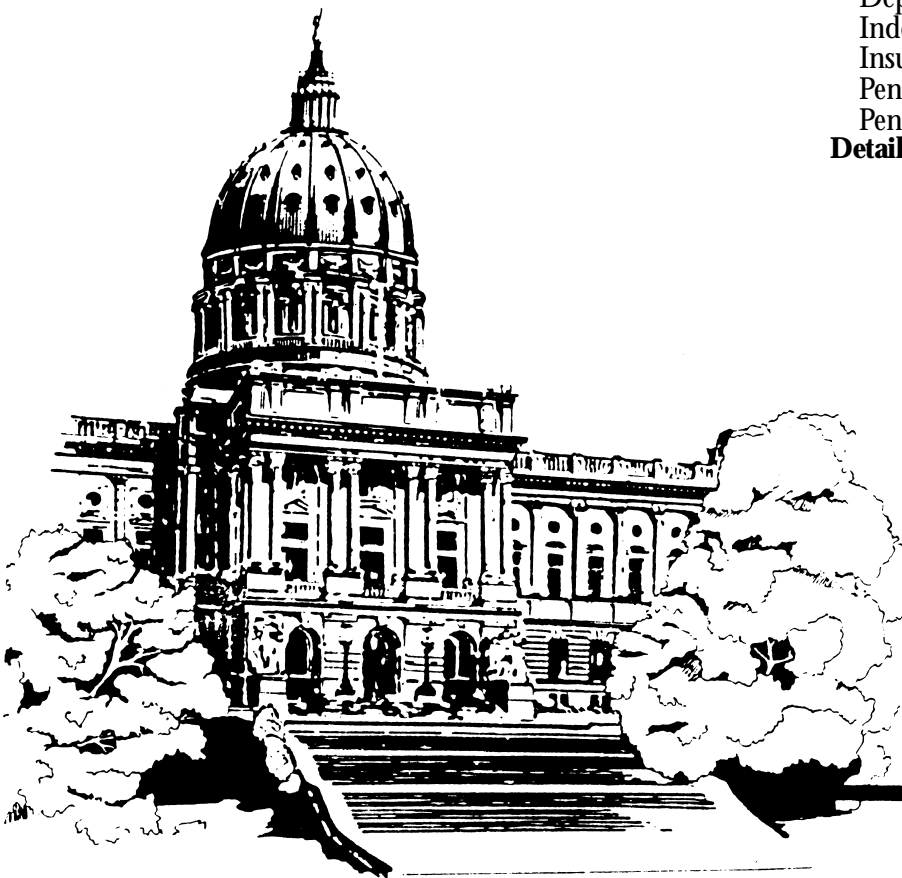


PENNSYLVANIA BULLETIN

Volume 38
Saturday, September 27, 2008 • Harrisburg, PA
Number 39
Pages 5247—5410

Agencies in this issue

The Courts
Department of Banking
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Revenue
Department of Transportation
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 406, September 2008

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

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

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

Copyright © 2008 Commonwealth of Pennsylvania

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

CONTENTS

THE COURTS

APPELLATE PROCEDURE

Order adopting amendments to Pa.R.A.P. 102, 121, 122, 123, 124, 905, 909, 911, 1101, 1102, 1112, 1116, 1121, 1123, 1311, 1314, 1321, 1514, 1732, 1972, 2155, 2156, 2171, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309; no. 195 appellate procedural rules; doc. no. 1 5257

LOCAL COURT RULES

Lycoming County

Administrative order for amendments to the orphans' court rules; doc. no. 08-00685 5267

EXECUTIVE AGENCIES

DEPARTMENT OF BANKING

Notices

Actions on applications 5319
 Maximum lawful rate of interest for residential mortgages for the month of October 2008 5320

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 5320
 Availability of technical guidance 5367
 Bid opportunity 5368
 Oil and Gas Technical Advisory Board; meeting cancellation 5368
 Proposed total maximum daily load (TMDL):
 Coxes Creek Watershed 5365
 Bucks Mountain Watershed 5364
 Buffalo Creek Watershed 5365
 Licking Creek Watershed 5362
 Little Toby Creek Watershed 5363
 Mill Creek Watershed 5363
 Pond Creek and Sandy Run Watersheds 5364
 Pumpkin Run Watershed 5362
 Rock Run Watershed 5366
 UNT to Connoquenessing Creek Watershed 5367
 Whites Creek Watershed 5367
 2009 Environmental Education Grants Program; application announcement 5369

DEPARTMENT OF HEALTH

Notices

Establishment of minimum standard requirements for sexual assault evidence collection 5369
 Long-term care nursing facilities; request for exception 5370
 Special Supplement Nutrition Program for Women, Infants and Children (WIC Program); maximum allowable prices and competitive prices 5371
 Special Supplement Nutrition Program for Women, Infants and Children (WIC Program); minimum inventory requirements 5378
 Special Supplement Nutrition Program for Women, Infants and Children (WIC Program); 2008-2009 food list 5379

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Pennsylvania Conservation Corps; grants for projects 5380
 Request for bids 5380

DEPARTMENT OF REVENUE

Notices

Pennsylvania Deal Or No Deal™ '08 instant lottery game 5381
 Pennsylvania Fast \$50s '08 instant lottery game 5386
 Pennsylvania \$50,000 Pay Day instant lottery game 5388
 Pennsylvania \$1 Million Silver & Gold instant lottery game 5390
 Pennsylvania Sleigh Bell\$ instant lottery game 5393
 Pennsylvania Stocking Stuffer '08 instant lottery game 5395
 Pennsylvania 10 Times The Bucks instant lottery game 5396
 Pennsylvania \$250,000 Holiday Treasures instant lottery game 5399
 Public Utility Realty Tax Act surcharge rate notice for the tax year beginning January 1, 2009 5401

DEPARTMENT OF TRANSPORTATION

Notices

Finding 5402
 Meetings scheduled for 2008 5402

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Notice of filing of final rulemaking 5402

INSURANCE DEPARTMENT

Notices

Blue Cross of Northeastern Pennsylvania; requesting approval to increase rates for the BlueCare Senior Major Medical Program; rate filing 5403
 Capital Advantage Insurance Company; individual direct pay comprehensive major medical benefit contract with a \$750 deductible (form no. IA-Comp750h-C) and individual direct pay comprehensive major medical benefit contract with a \$1,500 deductible (form no. IA-Comp1500h-C) for non-HIPAA and HCTC eligible individuals; filing no. 08-R; rate filing 5403
 Capital Advantage Insurance Company; medical-surgical and major medical of individual direct pay basic hospitalization/medical-surgical/major medical contract (form no. IA-Trad-C); rate filing 5403
 Capital Advantage Insurance Company; special care individual direct pay medical-surgical contract rate increase; filing no. 08-Q; rate filing 5404
 Capital BlueCross and Capital Advantage Insurance Company; filing no. 08-RR; filing for approval of revised rates for nongroup medicare supplemental security plans A, B, C and H; rate filing 5404

Now Available Online at <http://www.pabulletin.com>

Capital BlueCross and Capital Advantage Insurance Company; individual direct pay comprehensive major medical benefit contract with a \$750 deductible for HIPAA and HCTC eligible individuals (form no. IA-Comp750h-C) and individual direct pay comprehensive major medical benefit contract with a \$1,500 deductible for HIPAA and HCTC eligible individuals (form no. IA-Comp1500h-C); filing no. 08-S; rate filing. 5405

Capital Blue Cross; hospital portion of individual direct pay basic hospitalization/medical-surgical/major medical contract (form no. IA-Trad-C); rate filing. 5405

Capital Blue Cross; special care individual direct pay basic hospitalization rate increase; filing no. 08-P; rate filing. 5406

Progressive Specialty Insurance Company; private passenger automobile; rate revisions; rate filing. 5406

PENNSYLVANIA GAMING CONTROL BOARD

Rules and Regulations

Slot machine testing and control. 5316

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rules and Regulations

Inspection and maintenance standards for Electric Distribution Companies 5273

Electronic filing. 5303

Notices

Acquisition by purchase 5406

Default service rate 5407

Petition of Peco Energy Company 5407

Service of notice of motor carrier applications. 5408

Telecommunications. 5408

Transfer of stock. 5408

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

4 Pa. Code (Administration)

Adopted Rules

6 741, 2146, 2148, 2231, 2234, 2236, 2647
7 474, 2230

Proposed Rules

191 4628
241 613, 614
247 612, 615, 2062, 4396
255 2268

Statements of Policy

9 2659, 2660, 2661, 3360, 3660, 4528
Unclassified 5155

7 Pa. Code (Agriculture)

Adopted Rules

145 2654
146 2654
147 2654

Proposed Rules

21 2268
23 2268
25 2268
27 2268
111 2256
113 2253
115 2262
139 1830
143 3819

12 Pa. Code (Commerce, Trade and Local Government)

Statements of Policy

123 4915

19 Pa. Code (Corporations and Business Associations)

Notices 2199

22 Pa. Code (Education)

Adopted Rules

4 872, 1148
14 3575
36 339
201 4083
211 4083
213 4083
215 4083
338 76
339 2485
711 3593

Proposed Rules

4 2270
42 1961
171 2052

Statements of Policy

52 1727

25 Pa. Code (Environmental Protection)

Adopted Rules

77 4355
86 4742
87 4355
88 4355

89 4355
93 1357, 4364
121 1705
127 2365
129 1705
145 1705
209 4368
209a 4368
210 4355
215 2243
221 2243
225 2243
230 2243
240 2243
271 1357
279 1357
287 1357
293 1357
806 610
808 610
901 5107

Proposed Rules

85 4617
85 (correction) 4776
86 80
93 (correction) 236, 612, 976
121 229, 1831, 1838
126 229
129 1831, 1838
130 (correction) 1150
145 1838
218 1246
240 1246
901 4373

Statements of Policy

16 258
83 889

28 Pa. Code (Health and Safety)

Adopted Rules

101 573
117 573

Proposed Rules

11 4767
23 750, 1150
27 750, 1150

31 Pa. Code (Insurance)

Proposed Rules

84b 1949
139 1960
146d 4101

34 Pa. Code (Labor and Industry)

Proposed Rules

111 4902
131 4902

37 Pa. Code (Law)

Adopted Rules

23 1587

Proposed Rules

221 1486

Statements of Policy

200 4632

40 Pa. Code (Liquor)**Adopted Rules**

3 2250

5 2250

7 2250

13 2250

Proposed Rules

5 499

13 4629

43 Pa. Code (Military Affairs)**Adopted Rules**

9 1823

49 Pa. Code (Professional and Vocational Standards)**Adopted Rules**

9 4764

13 3794

21 3656, 3796, 3806

27 4895

39 3811

40 1829, 3658

43b 3654

47 484, 4509

49 484

Proposed Rules

18 2059

21 344, 3246

27 350, 351, 4784

33 4777

39 1168

47 3253

48 3253

49 3253

Statements of Policy

16 2661

51 Pa. Code (Public Officers)**Proposed Rules**

31 435, 1253

33 435, 1253

35 435, 1253

37 435, 1253

39 435, 1253

41 435, 1253

43 435, 1253

45 435, 1253

51 435, 1253

53 435, 1253

55 435, 1253

57 435, 1253

59 435, 1253

61 435

63 435

65 435, 1253

52 Pa. Code (Public Utilities)**Adopted Rules**

1 5303

5 4608, 5303

57 5273

63 488

102 4608

Proposed Rules

54 776, 1843

62 776, 1843

63 758, 2056

64 2658

76 776, 1843

Unclassified 3245, 3246

Statements of Policy

69 4107

55 Pa. Code (Public Welfare)**Adopted Rules**

1150 4898

1243 4898

3270 2437

3280 2437

3290 2437

3300 2437

Proposed Rules

108 4514

187 4514

2380 1937

2390 1937

2800 4459, 4514

6400 1937

6500 1937

Statements of Policy

3270 2469

3280 2469

3290 2469

58 Pa. Code (Recreation)**Adopted Rules**

21 5033

53 1584

63 1584, 4900

65 1468

69 4765

91 1725

111 1468

137 3490, 3499

139 3490, 3491, 4615

141 1471, 1472, 3489, 4511, 4615

143 1469, 1470, 3489

147 1472, 1473, 3497, 4512

405a 1474

421a 1585, 1965

423a 1585

437a 2251

441a 3978

461a 1474, 5316

Proposed Rules

29 2155

51 4909

63 3241, 4776, 4910

65 1588

69 1589, 4910

71 4910

73 4910

75 5035

101 4909

137 1484

139 1591, 1597, 3243

141 1482, 1590, 3242, 3243

143 1477, 1482, 4520

147 1477, 1483, 3244, 4521, 4523, 4526

401a 1151, 2053, 3980

405a 2054
 421a 2054
 433a 2054
 434a 3980
 435a 1151, 2054, 3505
 438a 3980
 439a 1151
 441a 1039, 1041, 1151, 2269, 3505, 3980
 443a 3820
 461a 343, 1151, 3507
 461b 1151
 463a 1151, 3507
 465a 1151, 3505, 3507
 467a 3507

Statements of Policy

57 1965, 5038
 421b 977
 436b 2279
 461b 354

61 Pa. Code (Revenue)

Adopted Rules

32 1148
 113 1476

Proposed Rules

73 4624
 74 4624

Statements of Policy

60 977

67 Pa. Code (Transportation)

Proposed Rules

71 3501
 83 3503
 471 4375
 473 4375
 479 4375

201 Pa. Code (Judicial Administration)

Adopted Rules

2 220
 5 3613
 7 220

Proposed Rules

30 1924

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

81 5157
 83 1701, 5157
 85 1812
 87 1812
 91 1812
 93 1812
 303 4971

Proposed Rules

83 4504
 213 1438
 303 9

207 Pa. Code (Judicial Conduct)

Adopted Rules

1 5163
 33 1445
 51 4353
 61 1445

Proposed Rules

1 4353
 61 865, 1037

210 Pa. Code (Judicial Conduct)

Adopted Rules

1 5257
 9 5257
 11 5257
 13 5257
 15 2359, 5257
 17 2359, 5257
 19 4728, 5257
 21 3355, 3970, 5257
 25 5257
 27 5257
 31 5257
 33 5257

Proposed Rules

1 4723
 3 2480
 9 4723
 11 4723
 17 1445
 19 4723
 21 1446, 4723
 25 4723

225 Pa. Code (Rules of Evidence)

Proposed Rules

803 3789

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200 1349, 3970
 1000 3481
 1900 4729
 1910 4735, 4736
 1915 1815
 1920 4738

Proposed Rules

200 337, 3236, 3650
 1000 1701
 1910 1447, 3617
 1915 3614
 2950 3236
 3000 3650
 4000 1814

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1 745, 3971
 2 3651
 5 3971
 6 4506, 4606

Proposed Rules

1 61, 865
 6 1816

237 Pa. Code (Juvenile Rules)

Adopted Rules

1 2360
 2 2360
 5 3238
 11 2360
 13 2360
 100 1142
 150 1146

5256

300 1142
600 1146
800 1142

Proposed Rules

1 1349
5 63
11 477, 1349
13 477
18 477

246 Pa. Code (Minor Court Civil Rules)

Adopted Rules

200 5163
300 5164
400 3356
500 3239, 3355
1000 2040

Proposed Rules

200 1817, 2046, 2151

249 Pa. Code (Philadelphia Rules)

Unclassified 223, 868, 1241, 2046, 2049, 2481, 3896,
4071, 4072, 4077

252 Pa. Code (Allegheny Rules)

Unclassified 64, 3483, 3488

255 Pa. Code (Local Court Rules)

Unclassified 72, 223, 225, 338, 481, 482, 596, 748,
975, 1037, 1241, 1354, 1449, 1458, 1466, 1583, 1702,
1704, 1819, 1931, 2050, 2152, 2240, 2242, 2363, 2364,
2483, 2484, 2652, 3240, 3652, 3790, 3791, 3793, 4082,
4354, 4506, 4507, 4739, 4740, 4741, 5032, 5165, 5267

THE COURTS

Title 210—APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 9, 11, 13, 15, 17, 19, 21,
25, 27, 31 AND 33]

Order Adopting Amendments to Pa.R.A.P. 102, 121,
122, 123, 124, 905, 909, 911, 1101, 1102, 1112,
1116, 1121, 1123, 1311, 1314, 1321, 1514, 1732,
1972, 2155, 2156, 2171, 2172, 2185, 2186, 2542,
2545, 2571, 2742, 3102, 3191, 3307 and 3309; No.
195 Appellate Procedural Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 10th day of September, 2008, upon the recommendation of the Appellate Court Procedural Rules Committee, the proposal having been published before adoption at 36 Pa.B. 5554 (September 2, 2006):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania, that Pennsylvania Rules of Appellate Procedure 102, 121, 122, 123, 124, 905, 909, 911, 1101, 1102, 1112, 1116, 1121, 1123, 1311, 1314, 1321, 1514, 1732, 1972, 2155, 2156, 2171, 2172, 2185, 2186, 2542, 2545, 2571, 2742, 3102, 3191, 3307 and 3309, are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b) and shall be effective December 1, 2008.

Annex A

TITLE 210. APPELLATE PROCEDURE PART I. RULES OF APPELLATE PROCEDURE CHAPTER 1. GENERAL PROVISIONS IN GENERAL

Rule 102. Definitions.

Subject to additional definitions contained in subsequent provisions of these rules which are applicable to specific provisions of these rules, the following words and phrases when used in these rules shall have, unless the context clearly indicates otherwise, the meanings given to them in this rule:

* * * * *

[**Paperbooks.** Briefs and reproduced record. The term does not include applications for reconsideration of denial of allowance of appeal under Rule 1123(b) (reconsideration) or applications for reargument under Chapter 25 (post-submission proceedings).]

* * * * *

Rule 121. Filing and Service.

(a) *Filing.*—Papers required or permitted to be filed in an appellate court shall be filed with the prothonotary. Filing may be accomplished by mail addressed to the prothonotary, but except as otherwise provided by these rules, filing shall not be timely unless the papers are received by the prothonotary within the time fixed for filing. [**Paperbooks shall be deemed filed on the day**

of mailing if first class mail is utilized.] If an application under these rules requests relief which may be granted by a single judge, a judge in extraordinary circumstances may permit the application and any related papers to be filed with that judge. [, in which] **In that event [that] the judge shall note thereon the date of filing and shall thereafter transmit such papers to the clerk.**

A pro se filing submitted by a prisoner incarcerated in a correctional facility is deemed filed as of the date it is delivered to the prison authorities for purposes of mailing or placed in the institutional mailbox, as evidenced by a properly executed prisoner cash slip or other reasonably verifiable evidence of the date that the prisoner deposited the pro se filing with the prison authorities.

* * * * *

(c) *Manner of service.*—Service may be [**personal or by first class mail. Personal service under these rules includes delivery of the copy to a clerk or other responsible person at the office of the person served.**]:

(1) **by personal service, which includes delivery of the copy to a clerk or other responsible person at the office of the person served, but does not include inter-office mail;**

(2) **by first class, express, or priority United States Postal Service mail;**

(3) **by commercial carrier with delivery intended to be at least as expeditious as first class mail if the carrier can verify the date of delivery to it;**

(4) **by facsimile or e-mail with the agreement of the party being served as stated in the certificate of service.**

Service by mail is complete on mailing.

* * * * *

(e) *Additional time after service by mail and commercial carrier.*—Whenever a party is required or permitted to do an act within a prescribed period after service of a paper upon that party (other than an order of a court or other government unit) and the paper is served by **United States mail or by commercial carrier**, three days shall be added to the prescribed period.

Official Note: [The term “related papers” in Subdivision (a) of this rule includes any appeal papers required under Rule 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief. An acknowledgement of service may be executed by an individual other than the person served, e.g., by a clerk or other responsible person as contemplated by Subdivision (c) of the rule. Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration

or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice.

With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.]

Subdivision (a)—The term “related papers” in Subdivision (a) of this rule includes any appeal papers required under Rule 1702 (stay ancillary to appeal) as a prerequisite to an application for a stay or similar relief.

In 2008, the term “paperbooks” was replaced with “briefs and reproduced records” throughout these rules. The reference to the deemed filing date for paperbooks when first class mail was used that was formerly found in subdivision (a) is now found in Pa.R.A.P. 2185 regarding filing briefs and in Pa.R.A.P. 2186 regarding filing reproduced records.

As to pro se filings by persons incarcerated in correctional facilities, see *Commonwealth v. Jones*, 549 Pa. 58, 700 A.2d 423 (1997); *Smith v. Pa. Bd. of Prob. & Parole*, 546 Pa. 115, 683 A.2d 278 (1996); *Commonwealth v. Johnson*, 860 A.2d 146 (Pa.Super. 2004).

Subdivision (c)—An acknowledgement of service may be executed by an individual other than the person served, e.g., by a clerk or other responsible person.

Subdivision (d)—With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (d) of this rule, please note the requirements of Rule 120.

Subdivision (e)—Subdivision (e) of the rule does not apply to the filing of a notice of appeal, a petition for allowance of appeal, a petition for permission to appeal, or a petition for reconsideration or re-argument, since under these rules the time for filing such papers runs from the entry and service of the related order, nor to the filing of a petition for review, which is governed by similar considerations. However, these rules permit the filing of such notice and petitions (except a petition for reconsideration or re-argument) in the local county (generally in the county court house; otherwise in a post office), thus eliminating a major problem under the prior practice.

Rule 122. Content and Form of Proof of Service.

(a) *Content*.—A proof of service shall contain a statement of the date and manner of service and of the names of the persons served.

(b) *Form*.—Each name and address shall be separately set forth in the form of a mailing address, including applicable zip code, regardless of the actual method of service employed. **The proof of service shall also show the telephone number, the party represented, and, where applicable, an e-mail or facsimile address.** The name, address and telephone number of the serving party shall be similarly set forth, followed by the attorney’s registration number. **[The telephone number of each person served shall not be noted next to the person’s name.]** A proof of service may be in substantially the following form:

I hereby certify that I am this day serving the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service by first class mail addressed as follows:

[Richard Row, Esquire] Name, [(215) 555-1234] Telephone number
[123 East Walnut Street] Mailing address
[Philadelphia, Pa. 19175]
[(Counsel for XYZ Trucking Co.)]
(Party represented)

Acceptance of service endorsed by the following:

[John Doe, Esquire] Name, [(215) 555-5678] Telephone number
[123 East Chestnut Street] Mailing address
[Philadelphia, Pa. 19175]
[(Counsel for ABC Forwarding Co.)]
(Party represented)

Service in person as follows:

[John Smith, Esquire] Name, [(717) 787 1234] Telephone number
[Counsel]
[Pennsylvania Public Utility Commission]
[Room 117]
[North Office Building] Street Address
[Harrisburg, Pa. 17120] Mailing address
(if different) (Party represented)

[Hon. William Bradford (717) 787-3391 Attorney General of Pennsylvania c/o Miss Mary Smith, Secretary to the Attorney General 16th Floor Strawberry Square Harrisburg, Pa. 17120]

Service by commercial carrier as follows:

Name of commercial carrier
Addressee’s name, Telephone number
Street address
Mailing Address (if different)
(Party represented)

Service by e-mail at following:

E-mail address, with agreement of:
Name, Telephone number
Mailing address
(Party represented)

Service by facsimile at following:

Fax number with the agreement of:
Name, Telephone number
Mailing address
(Party represented)

[Dated: May 26, 1975] Date:

(S)

[John Jones, Esquire (Attorney Registration No. 00000) 123 East Chestnut Street Philadelphia, Pa. 19175 Of counsel for ABC Railway Corporation]
Name, Telephone number (Attorney Registration No. 00000)
Mailing address
(Party represented)

Official Note: Under 18 Pa.C.S. § 4904 (unsworn falsification to authorities) a knowingly false proof of service constitutes a misdemeanor of the second degree. [Where a large number of persons are named in the proof of service the appellate prothonotary and other parties may cut up a photocopy of the proof of service to form mailing labels for docketing notices, mailing briefs, etc., without the need to retype the list.]

Rule 123. Application for Relief.

* * * * *

(b) *Answer*.—Any party may file an answer to an application within 14 days after service of the application, but applications under Chapter 17 (effect of appeals; supersedeas and stays), or for delay in remand of the record, may be acted upon after reasonable notice, unless the exigency of the case is such as to impel the court to dispense with such notice. The court may shorten or extend the time for answering any application. **Answers shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.**

* * * * *

Rule 124. Form of Papers; Number of Copies.

(a) *Size and other physical characteristics*.—All documents filed in an appellate court shall be on 8 1/2 inch by 11 inch paper and shall comply with the following requirements:

(1) The document shall be prepared on white paper (except for covers, dividers and similar sheets) of good quality.

(2) The first sheet (except the cover of a [paperbook] **brief or reproduced record**) shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.

(3) The text must be double spaced, but quotations more than two lines long may be indented and single spaced. Except as provided in subdivision (2), margins must be at least one inch on all four sides.

(4) The lettering shall be clear and legible and no smaller than point 12. The lettering shall be on only one side of a page, except that exhibits and similar supporting documents, [and paperbooks] **briefs and reproduced records** may be lettered on both sides of a page.

* * * * *

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 905. Filing of Notice of Appeal.

* * * * *

Official Note: Insofar as the clerk or prothonotary of the lower court is concerned, the notice of appeal is for all intents and purposes a writ in the nature of *certiorari* in the usual form issued out of the appellate court named therein and returnable thereto within the time prescribed by Chapter 19 (preparation and transmission of record and related matters).

To preserve a mailing date as the filing date for an appeal as of right from an order of the Commonwealth Court, see Rule 1101(b).

* * * * *

Rule 909. Appeals to the Supreme Court. Jurisdictional Statement. Sanctions.

* * * * *

(b) [*Brief in opposition*] *Answer*.—Within 14 days after service of a jurisdictional statement, an adverse party may file with the Prothonotary of the Supreme Court an original and eight copies of [**a brief in opposition**] **an answer** thereto in the form prescribed by Rule 911. **The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.** No separate motion to dismiss a jurisdictional statement will be received. A party entitled to file [**a brief in opposition**] **an answer** who does not intend to do so shall [**file**], **within the time fixed by these rules** for filing **an answer, [the brief in opposition] file** a letter stating that [**a brief in opposition**] **an answer** to the jurisdictional statement will not be filed. The failure to file [**a brief in opposition**] **an answer** will not be construed as concurrence in the jurisdictional statement.

* * * * *

Rule 911. [**Brief in Opposition**] **Answer** to Jurisdictional Statement. Content. Form.

[**A brief in opposition**] **An answer** to a jurisdictional statement shall set forth any procedural, substantive or other argument or ground why the order appealed from is not reviewable as of right and why the Supreme Court should not grant an appeal by allowance. The [**brief**] **answer** need not be set forth in numbered paragraphs in the manner of a pleading and shall not exceed five pages.

* * * * *

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

APPEALS AS OF RIGHT FROM COMMONWEALTH COURT AND SUPERIOR COURT

Rule 1101. Appeals as of Right from the Commonwealth Court.

* * * * *

(b) *Procedure on appeal*. An appeal within the scope of Subdivision (a) of this rule shall be taken to the Supreme Court in the manner prescribed in Chapter 9 (appeals from lower courts), except that if the notice of appeal is transmitted to the Prothonotary of the Commonwealth Court by means of first class [**mail**], express, or priority United States Postal Service mail, the notice of appeal shall be deemed received by the [**Prothonotary**] **prothonotary** for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a [**U.S.**] **United States** Postal Service Form 3817 [**certificate**] **Certificate** of [**mailing**] **Mailing** or other similar **United States Postal Service form from which the date of deposit can be verified**. The certificate of mailing or other similar **Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service**, shall show the docket number of the matter in the Commonwealth Court and shall be either enclosed with the notice of appeal or separately mailed to the [P]rothonotary. Upon actual receipt of the notice of appeal the [**Prothonotary**] **prothonotary** shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when the appeal was taken, which date shall be shown on the docket.

Official Note: Subdivision (a) is based on 42 Pa.C.S. § 723 (appeals from the Commonwealth Court). This rule is not applicable to an appeal under 42 Pa.C.S. § 763(b) (awards of arbitrators). See also 42 Pa.C.S. § 5105(b) (successive appeals) which provides as follows:

(b) *Successive appeals.* Except as otherwise provided in this subsection, the rights conferred by subsection (a) are cumulative, so that a litigant may as a matter of right cause a final order of any tribunal in any matter which itself constitutes an appeal to such tribunal, to be further reviewed by the court having jurisdiction of appeals from such tribunal. Except as provided in section 723 (relating to appeals from the Commonwealth Court) there shall be no right of appeal from the Superior Court or the Commonwealth Court to the Supreme Court under this section or otherwise.

Appealable orders to which this rule is not applicable are governed by the procedures of Rule 1111 (form of papers; number of copies) et seq. Rule 906(4) (service of notice of appeal) is not applicable to an appeal under this rule since that provision relates only to service upon the district court administrator of a court of common pleas.

The [U.S.] United States Postal Service Form 3817 mentioned in Subdivision (b) is reproduced in the note to Rule 1112 (appeals by allowance).

Rule 1102. Improvident Appeals.

* * * * *

Official Note: Based on 42 Pa.C.S. § 724(b) (improvident appeals). In a similar fashion, any motion to quash the appeal would be regarded as [a brief in opposition] an answer to the petition under Rule 1116 ([brief in opposition] answer to the petition for allowance of appeal).

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

* * * * *

(c) *Petition for allowance of appeal.*—Allowance of an appeal from a final order of the Superior Court or the Commonwealth Court may be sought by filing a petition for allowance of appeal with the Prothonotary of the Supreme Court within the time allowed by Rule 1113 (time for petitioning for allowance of appeal), with proof

of service on all other parties to the matter in the appellate court below. If the petition for allowance of appeal is transmitted to the Prothonotary of the Supreme Court by means of first class, **express, or priority United States Postal Service** mail, the petition shall be deemed received by the [Prothonotary] prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a [U.S.] United States Postal Service Form 3817 [certificate] Certificate of [mailing] Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the appellate court below and shall be either enclosed with the petition or separately mailed to the [Prothonotary] prothonotary. Upon actual receipt of the petition for allowance of appeal the Prothonotary of the Supreme Court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when allowance of appeal was sought, which date shall be shown on the docket. The Prothonotary of the Supreme Court shall immediately note the Supreme Court docket number upon the petition for allowance of appeal and give written notice of the docket number assignment in person or by first class mail to the prothonotary of the appellate court below who shall note on the docket that a petition for allowance of appeal has been filed to the petitioner and to the other persons named in the proof of service accompanying the petition.

* * * * *

Official Note: Based on 42 Pa.C.S. § 724(a) (allowance of appeals from Superior and Commonwealth Courts). The notation on the docket by the [prothonotary] Prothonotary of the Superior Court or Commonwealth Court of the filing of a petition for allowance of appeal renders universal the rule that the appeal status of any order may be discovered by examining the docket of the court in which it was entered.

The [U.S.] United States Postal Service [Form] form may be in substantially the following form:



Certificate Of Mailing

To pay fee, affix stamps or meter postage here.

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing. This form may be used for domestic and international mail.

From: _____

To: _____

Postmark Here

PS Form 3817, April 2007 PSN 7530-02-000-9065

The transmittal should be taken unsealed to the Post Office, the Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified should be obtained, cancelled, and attached to the petition, and the envelope should only then be sealed. [Occasionally a postal clerk will refuse to cooperate; in such cases] Alternately, the cancelled Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified can be submitted to the prothonotary under separate cover with clear identification of the filing to which it relates. [may be withdrawn from the envelope, the envelope sealed, the Form 3817 pasted firmly to the outside of the envelope, and the entire package submitted to the postal clerk with instructions to execute the Form 3817 pasted on the envelope.]

It is recommended that the petitioner obtain a duplicate copy of the Form 3817 or other similar United States Postal Service form from which the date of deposit can be verified as evidence of mailing. Since the Post Office is technically the filing office for the purpose of this rule a petition which was mailed in accordance with this rule and which is subsequently lost in the mail will nevertheless toll the time for petitioning for allowance of appeal. However, counsel will be expected to follow up on a mail filing by telephone inquiry to the appellate prothonotary where written notice of the docket number assignment is not received in due course.

* * * * *

Rule 1116. [Brief in Opposition] Answer to the Petition for Allowance of Appeal.

Within 14 days after service of a petition for allowance of appeal an adverse party may file [a brief in opposition] an answer. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The [brief in opposition] answer need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive or other argument or ground why the order involved should not be reviewed by the Supreme Court and shall comply with Rule 1115(a)(7) (content of petition for allowance of appeal.). No separate motion to dismiss a petition for allowance of appeal will be received. A party entitled to file [a brief in opposition] an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing [a brief in opposition] an answer, file a letter stating that [a brief in opposition] an answer to the petition for allowance of appeal will not be filed. The failure to file [a brief in opposition] an answer will not be construed as concurrence in the request for allowance of appeal.

Official Note: [Based on former Supreme Court Rule 62 and makes no change in substance except as follows: The time for opposition is increased from ten to 17 days (where service is by mail).] This rule and Rule 1115 contemplate that the petition and [brief in opposition] answer will address themselves

to the heart of the issue, i.e. whether the Supreme Court ought to exercise its discretion to allow an appeal, without the need to comply with the formalistic pattern of numbered averments in the petition and correspondingly numbered admissions and denials in the response. While such a formalistic format is appropriate when factual issues are being framed in a trial court (as in the petition for review under Chapter 15) such a format interferes with the clear narrative exposition necessary to outline succinctly the case for the Supreme Court in the allocatur context.

Rule 1121. Transmission of Papers to and Action by the Court.

Upon receipt of the [**brief in opposition**] answer to the petition for allowance of appeal, or a letter stating that no [**brief in opposition**] answer will be filed, from each party entitled to file such, the petition and the [**brief in opposition**] answer, if any, shall be distributed by the Prothonotary to the Supreme Court for its consideration. An appeal may be allowed limited to one or more of the questions presented in the petition, in which case the order allowing the appeal shall specify the question or questions which will be considered by the Court.

Rule 1123. Denial of Appeal; Reconsideration.

* * * * *

(c) *Manner of filing.* If the application for reconsideration is transmitted to the prothonotary of the appellate court by means of first class, **express, or priority United States Postal Service** mail, the application shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing, **or other similar United States Postal Service form from which the date of deposit can be verified.** The certificate of mailing **or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service,** shall show the docket number of the matter in the court in which reconsideration is sought and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when application was sought, which date shall be shown on the docket.

[**Official Note: The 1996 amendment to subdivision (b) lengthens the time for filing an application for reconsideration from seven days after service of notice of entry of the order denying a petition for allowance of appeal to fourteen days after entry of the order. The 1996 amendment adding subdivision (c) provides that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817—certificate of mailing. These amendments conform reconsideration practice under Rule 1123 to reargument practice under Rule 2542.]**

CHAPTER 13. INTERLOCUTORY APPEALS BY PERMISSION

Rule 1311. Interlocutory Appeals by Permission.

1994 Order

* * * * *

(b) *Petition for permission to appeal.*—Permission to appeal from an interlocutory order containing the statement prescribed by 42 Pa.C.S. § 702(b) may be sought by filing a petition for permission to appeal with the prothonotary of the appellate court within 30 days after entry of such order in the lower court or other government unit with proof of service on all other parties to the matter in the lower court or other government unit and on the government unit or clerk of the lower court, who shall file the petition of record in such lower court. An application for an amendment of an interlocutory order to set forth expressly the statement specified in 42 Pa.C.S. § 702(b) shall be filed with the lower court or other government unit within 30 days after the entry of such interlocutory order and permission to appeal may be sought within 30 days after entry of the order as amended. Unless the trial court or other [**governmental**] government unit acts on the application within 30 days after it is filed, the trial court or other [**governmental**] government unit shall no longer consider the application and it shall be deemed denied. If the petition for permission to appeal is transmitted to the prothonotary of the appellate court by means of first class, **express, or priority United States Postal Service** mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as shown on a [**U. S.**] **United States** Postal Service Form 3817 [**certificate**] **Certificate** of [**mailing**] **Mailing, or other similar United States Postal Service form from which the date of deposit can be verified.** The certificate of mailing **or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service,** shall show the docket number of the matter in the lower court or other government unit and shall be either enclosed with the petition or separately mailed to the prothonotary. Upon actual receipt of the petition for permission to appeal the prothonotary of the appellate court shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in this subdivision, shall constitute the date when permission to appeal was sought, which date shall be shown on the docket. The prothonotary of the appellate court shall immediately note the appellate docket number assignment upon the petition for permission to appeal and give written notice of the docket number assignment in person or by first class mail to the government unit or clerk of the lower court, to the petitioner and to the other persons named in the proof of service accompanying the petition.

* * * * *

Official Note:

* * * * *

See the [**note**] **Official Note** to Rule 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 **or other similar United States Postal Service form from which the date of deposit can be verified** is used.

* * * * *

Rule 1314. [**Brief in Opposition] Answer to the Petition for Permission to Appeal.**

Within 14 days after service of a petition for permission to appeal an adverse party may file [**a brief in opposition**] an answer. **The answer shall be deemed filed on the date of mailing if first class, express, or**

priority United States Postal Service mail is utilized. The [brief in opposition] answer need not be set forth in numbered paragraphs in the manner of a pleading, shall set forth any procedural, substantive or other argument or ground why the interlocutory order involved should not be reviewed by the appellate court and shall comply with Rule 1312(a)(7) (content of petition for permission to appeal). No separate motion to dismiss a petition for permission to appeal will be received. A party entitled to file [a brief in opposition] an answer under this rule who does not intend to do so shall, within the time fixed by these rules for filing [a brief in opposition] an answer, file a letter stating that [a brief in opposition] an answer to the petition for permission to appeal will not be filed. The failure to file [a brief in opposition] an answer will not be construed as concurrence in the request for permission to appeal.

Rule 1321. Transmission of Papers to and Action by the Court.

Upon receipt of the [brief in opposition] answer to the petition for permission to appeal, or a letter stating that no [brief in opposition] answer will be filed, from each party entitled to file such, the petition and the [brief in opposition] answer, if any, shall be distributed by the prothonotary to the appellate court for its consideration. Permission to appeal may be limited to one or more of the questions presented in the petition, in which case the order granting permission to appeal shall specify the question or questions which will be considered by the court.

**CHAPTER 15. JUDICIAL REVIEW OF GOVERNMENTAL DETERMINATIONS
PETITION FOR REVIEW**

Rule 1514. Filing and Service of the Petition for Review.

(a) *Filing with the prothonotary.* The petition for review, with proof of service required by Subdivision (c) of this rule, shall be filed with the prothonotary of the appellate court in person or by first class, **express, or priority United States Postal Service [or certified]** mail.

If the petition for review is filed by first class, **express, or priority United States Postal Service [or certified]** mail, the petition shall be deemed received by the prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail, as [stamped by post office personnel] shown on a [U. S.] United States Postal Service Form 3817, [certificate] Certificate of [mailing] Mailing, or [U. S. Postal Service Form 3800] other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the prothonotary.

* * * * *

Official Note: See the [note] Official Note to Rule 1112 (appeals by allowance) for an explanation of the procedure when Form 3817 or other similar United

States Postal Service form from which the date of deposit can be verified is used.

* * * * *

**CHAPTER 17. EFFECT OF APPEALS;
SUPERSEDEAS AND STAYS**

STAY OF INJUNCTION IN CIVIL MATTERS

Rule 1732. Application for Stay or Injunction Pending Appeal.

* * * * *

(b) *Contents of application for stay.*—An application for stay of an order of a lower court pending appeal, or for approval of or modification of the terms of any supersedeas, or for an order suspending, modifying, restoring or granting an injunction during the pendency of an appeal, or for relief in the nature of peremptory mandamus, may be made to the appellate court or to a judge thereof, but the application shall show that application to the lower court for the relief sought is not practicable, or that the lower court has denied an application requested, with the reasons given by the lower court for its action. The application shall also show the reasons for the relief requested and the facts relied upon, and if the facts are subject to dispute the application shall be supported by sworn or verified statements or copies thereof. With the application shall be filed such parts of the record as are relevant. Where practicable, the application should be accompanied by the [paperbooks] briefs, if any, used in the lower court.

* * * * *

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

DISPOSITION WITHOUT REACHING THE MERITS

Rule 1972. Dispositions on Motion.

* * * * *

Any two or more of the grounds specified in this rule may be joined in the same motion. Unless otherwise ordered by the appellate court, a motion under this rule shall not relieve any party of the duty of filing [his paperbooks] briefs and reproduced records within the time otherwise prescribed therefor. The court may grant or refuse the motion, in whole or in part; may postpone consideration thereof until argument of the case on the merits; or may make such other order as justice may require.

* * * * *

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF REPRODUCED RECORD

Rule 2155. Allocation of Cost of Reproduced Record.

* * * * *

(b) *Allocation by court.*—The cost of reproducing the record shall be taxed as costs in the case pursuant to Chapter 27 (fees and costs in appellate courts and on appeal), but if either party shall cause material to be included in the reproduced record unnecessarily, the appellate court may on application filed within ten days after the last [paperbook] brief is filed, in its order disposing of the appeal impose the cost of reproducing such parts on the designating party.

* * * * *

Rule 2156. Supplemental Reproduced Record.

When, because of exceptional circumstances, the parties are not able to cooperate on the preparation of the reproduced record as a single document, the appellee may, in lieu of proceeding as otherwise provided in this chapter, prepare, serve and file a Supplemental Reproduced Record setting forth the portions of the record designated by the appellee.

Official Note: Former Supreme Court Rules 36, 38 and 57, former Superior Court Rules 28, 30 and 47 and former Commonwealth Court Rules 32A, 82 and 84 all inferentially recognized that a supplemental record might be prepared by the appellee, but the former rules were silent on the occasion for such a [**paperbook**] filing. The preparation of a single reproduced record has obvious advantages, especially where one party designates one portion of the testimony, and the other party designates immediately following testimony on the same subject. However, because of emergent circumstances or otherwise, agreement on the mechanics of a joint printing effort may collapse, without affording sufficient time for the filing and determination of an application for enforcement of the usual procedures. In that case an appellee may directly present the relevant portions of the record to the appellate court.

* * * * *

FORM OF BRIEFS AND REPRODUCED RECORD

Rule 2171. Method of Reproduction. Separate Brief and Record.

* * * * *

Official Note: See Rule 124 (form of papers; number of copies) for general provisions on quality, size and format of papers (including [**paperbooks**] **briefs and reproduced records**) filed in Pennsylvania courts.

Rule 2172. Covers.

(a) **Briefs and Petitions for Allowance of or Permission to Appeal.**—On the front cover of the brief there shall appear the following:

- (1) [**The**] the name of the appellate court in which the matter is to be heard[.];
- (2) [**The**] the docket number of the case in the appellate court[.];
- (3) [**The**] the caption of the case in the appellate court, as prescribed by these rules[.];
- (4) **title of the filing, such as** “Brief for Appellant” or [**“Brief for Appellee,”**] **“Brief for Respondent.”** [**or, if**] **If the reproduced record is bound with the brief, the title shall so indicate, for example,** “Brief for Appellant and Reproduced Record,” or “Brief for Appellee and Supplemental Reproduced Record,” **such as** the case may be [, **or if the matter involves proceedings on petition for allowance of or for permission to appeal, “Petition for Allowance of Appeal,” “Petition for Permission to Appeal” or “Brief in Opposition,” as the case may be, or if the matter is pending in the appellate court on petition for review, “Brief for Petitioner,” “Brief for Petitioner and Reproduced Record,” “Brief for Respondent,” or “Brief for Respondent and Supplemental Reproduced Record,” as the case may be.**];

(5) [**Designation**] **designation** of the order appealed from **such as** “Appeal from the Order of” the court from which the appeal is taken, with the docket number therein[, **or, if the matter involves proceedings on petition for allowance of or for permission to appeal, “Petition for Allowance of Appeal from the Order of” or “Petition for Permission to Appeal from the Order of” the court or other government unit from which the appeal is sought to be taken, with the docket number therein, or, if the matter is pending in the appellate court on petition for review, “Petition for Review of” the determination sought to be reviewed of the government unit involved, with any docket number therein**]. On appeals from the Superior Court or the Commonwealth Court its docket number shall be given, followed by a statement as to whether it affirmed, reversed or modified the order of the court or tribunal of first instance, giving also the name of the latter and the docket number, if any, of the case therein[.];

(6) [**The**] the names of counsel, giving the office address and telephone number of the one upon whom it is desired notices shall be served.

* * * * *

FILING AND SERVICE

Rule 2185. [Time for Serving] Service and Filing of Briefs.

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

(b) **Notice of deferred briefing schedule.**—When the record is filed the prothonotary of the appellate court shall estimate the date on which the matter will be argued before or submitted to the court, having regard for the nature of the case and the status of the calendar of the court. If the prothonotary determines that the matter will probably not be reached by the court for argument or submission within 30 days after the latest date on which the last [**paperbook**] **brief** could be filed under the usual briefing schedule established by these rules, the prothonotary shall fix a specific calendar date as the last date for the filing of the brief of the appellant in the matter, and shall give notice thereof as required by these rules. The date so fixed by the prothonotary shall be such that the latest date on which the last [**paperbook**] **brief** in the matter could be filed under these rules will fall approximately 30 days before the probable date of argument or submission of the matter.

(c) *Definitive copies.*—If the record is being reproduced pursuant to Rule 2154(b) (large records) the brief served pursuant to Subdivision (a) of this rule may be typewritten or page proof copies of the brief, with appropriate references to pages of the parts of the original record involved. Within 14 days after the reproduced record is filed each party who served briefs in advance form under this subdivision shall serve and file definitive copies of his brief or briefs containing references to the pages of the reproduced record in place of or in addition to the initial references to the pages of the parts of the original record involved (see Rule 2132 (references in the briefs to the record)). No other changes may be made in the briefs as initially served, except that typographical errors may be corrected.

Official Note: [Unlike the provision for filing other papers, Rule 121(a) provides “paperbooks shall be deemed filed on the day of mailing if first class mail is utilized.” “Paperbooks” are defined in Rule 102 as briefs and reproduced records, but “the term does not include applications for reconsideration of denial of allowance of appeal under Rule 1123(b) (reconsideration) or applications for reargument under Chapter 25 (post-submission proceedings).”]

* * * * *

Rule 2186. [Time for Serving] Service and Filing of Reproduced Record.

(a) *General rule.*—The reproduced record shall be served and filed not later than:

- (1) the date of service of the brief; or
- (2) 21 days from the date of service of the appellee’s brief in advance form, if the record is being reproduced pursuant to Rule 2154(b) (large records).

Reproduced records shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.

* * * * *

CHAPTER 25. POST-SUBMISSION PROCEEDINGS

APPLICATION FOR REARGUMENT

Rule 2542. Time for Application for Reargument. Manner of Filing.

* * * * *

(b) *Manner of Filing.*—If the application for reargument is transmitted to the prothonotary of the appellate court by means of first class, [mail] express, or priority United States Postal Service mail, the application shall be deemed received by the [Prothonotary] prothonotary for the purposes of Rule 121(a) (filing) on the date deposited in the United States mail as shown on a [U.S.] United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter in the court in which reargument is sought and shall be enclosed with the application or separately mailed to the prothonotary. Upon actual receipt of the application, the prothonotary shall immediately stamp it with the date of actual receipt. That date, or the date of earlier deposit in the United States mail as prescribed in

this subdivision, shall constitute the date when application was sought, which date shall be shown on the docket.

Official Note:

* * * * *

The 1986 amendment [provides] provided that an application shall be deemed received on the date deposited in the United States mail as shown on a [U.S.] United States Postal Service Form 3817 [certificate] Certificate of [mailing] Mailing.

The 2008 amendment provides that an application shall be deemed received on the date deposited in the United States mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified.

Rule 2545. Answer [in Opposition] to Application for Reargument.

Within 14 days after service of an application for reargument, an adverse party may file an answer [in opposition]. The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized. The answer [in opposition] need not be set forth in numbered paragraphs in the manner of a pleading. The answer shall set forth any procedural, substantive or other argument or ground why the court should not grant reargument. No separate motion to dismiss an application for reargument will be received. A party entitled to file an answer [in opposition] under this rule who does not intend to do so shall, within the time fixed by these rules for filing an answer [in opposition], file a letter stating that an answer [in opposition] to the application for reargument will not be filed. The failure to file an answer [in opposition] will not be construed as concurrence in the request for reargument.

REMAND OF RECORD

Rule 2571. Content of Remanded Record.

* * * * *

(b) [Paperbooks] Briefs.—The prothonotary of an appellate court shall not forward any [paperbook] brief in a matter to the lower court either prior to or in connection with the remand of the record. The lower court on remand may direct any party to the appeal to file of record in the lower court and serve on the trial judge a copy of any [paperbook] brief filed in the appeal.

* * * * *

CHAPTER 27. FEES AND COSTS IN APPELLATE COURTS AND ON APPEAL

COSTS

Rule 2742. Costs of [Paperbooks] Briefs and Reproduced Records.

The cost of printing or otherwise producing necessary copies of briefs and reproduced records, including copies of the original record reproduced under Rule 2151(a) (consideration of matters on the original record without the necessity of reproduction) shall be taxable, except as otherwise ordered pursuant to Rule 2155 (allocation of cost of reproduced record) at rates not higher than those generally charged for such work in this Commonwealth.

* * * * *

**CHAPTER 31. BUSINESS OF THE COURTS
GENERALLY
IN GENERAL**

Rule 3102. Quorum and Action.

* * * * *

(b) *Absence from panel.*—If less than three members of a panel attend a session of the panel, another judge or judges shall be designated to complete the panel if reasonably possible, and if it is not reasonably possible to do so the presiding judge with the consent of the parties present may direct that the matter be heard and determined by a panel of two judges. If the two judges who so heard the matter are unable to agree upon the disposition thereof, the president judge of the court may direct either that the matter be submitted on the [**paperbooks**] **briefs** to a third judge, or that the matter be reargued before a full panel.

* * * * *

[PAPERBOOKS] BRIEFS

Rule 3191. Distribution of [Paperbooks] Briefs.

The following entities shall be entitled to receive distribution of [**paperbooks**] **briefs** filed in an appellate court:

- (1) The State Library (two copies).
- (2) The Jenkins Law Library of Philadelphia.
- (3) The Allegheny County Law Library.
- (4) The University of Pennsylvania Law Library.
- (5) The Dickinson Law School Library.
- (6) The University of Pittsburgh Law Library.
- (7) The Harvard Law School.
- (8) The Duquesne University Law Library.
- (9) The Temple Law School Library.
- (10) The Villanova University Law School Library.
- (11) The Delaware Law School of Widener College Law Library.
- (12) The Legal Intelligencer.
- (13) The West Publishing Company

Official Note: Based on former Supreme Court Rule 59 and former Superior Court Rule 49. The whole subject of the distribution of [**paperbooks**] **briefs** to the court and others is an administrative matter, but the existence of the rule will continue the free distribution of the *Pennsylvania Consolidated Statutes*, the *Pennsylvania Code*, the *Pennsylvania Bulletin* and local government codes to the entities named in the rule by reason of 1 Pa.C.S. § 501 (publication and distribution) 45 Pa.C.S. § 730(3) (pricing and distribution of published documents) and act of May 29, 1935 (P.L. 244, No. 102), § 2.1(b)(4) (46 P.S. § 431.2a(b)(4)).

CHAPTER 33. CODE OF JUDICIAL CONDUCT

Subchapter A. CANONS

ORIGINAL MATTERS

Rule 3307. Applications for Leave to File Original Process.

* * * * *

(b) *General rule.*—The initial pleading in any original action or proceeding shall be prefaced by an application

for leave to file such pleading, showing service upon all parties to such action or proceeding. The matter will be docketed when the application for leave to file is filed with the Prothonotary of the Supreme Court. **The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary.** Appearances shall be filed as in other original actions. An adverse party may file an answer no later than 14 days after service of the application. **The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.** An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer to the application will not be filed. Upon receipt of the answer to the application, or a letter stating that no answer will be filed, from each party entitled to file such, the application, pleadings and answer to the application, if any, shall be distributed by the Prothonotary to the Supreme Court for its consideration.

* * * * *

Official Note: Based on U.S. Supreme Court Rule 9. Presumably this rule will seldom be invoked, since questions concerning the scope of the original jurisdiction of the Supreme Court may usually be avoided by filing the action in a lower court which clearly has subject matter jurisdiction, and immediately thereafter making application for transfer to the Supreme Court under Rule 3309 (applications for extraordinary relief).

KING'S BENCH MATTERS

Rule 3309. Applications for Extraordinary Relief.

(a) *General rule.*—An application for relief under 42 Pa.C.S. § 726 (extraordinary jurisdiction), or under the powers reserved by the first sentence of Section 1 of the Schedule to the Judiciary Article, shall show service upon all persons who may be affected thereby, or their representatives, and upon the clerk of any court in which the subject matter of the application may be pending. **The application shall be deemed filed on the date received by the prothonotary unless it was on an earlier date deposited in the United States mail and sent by first class, express, or priority United States Postal Service mail as shown on a United States Postal Service Form 3817 Certificate of Mailing or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service, shall show the docket number of the matter if known and shall be either enclosed with the application or separately mailed to the prothonotary.** Appearances shall be governed by Rule 1112 (entry of appearance) unless no appearances have been entered below, in which case appearances shall be filed as in original actions.

(b) *Answer*.—An adverse party may file an answer no later than fourteen days after service of the application. **The answer shall be deemed filed on the date of mailing if first class, express, or priority United States Postal Service mail is utilized.** An adverse party who does not intend to file an answer to the application shall, within the time fixed by these rules for the filing of an answer, file a letter stating that an answer will not be filed.

* * * * *

[Pa.B. Doc. No. 08-1744. Filed for public inspection September 26, 2008, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LYCOMING COUNTY

Administrative Order for Amendments to the Orphans' Court Rules; Doc. No. 08-00685

Order

And Now, this 27th day of March, 2008, it is hereby *Ordered and Directed* as follows:

1. Lycoming County Orphans' Court Rules L5.7, L6.13, L10.1, L17.1, L17.8, L17.12 and L17.13 are hereby rescinded.

2. Lycoming County Orphans' Court Rules L6.1, L6.9, L17.4 and 17.9 are revised as indicated in the attachment. (*Italics is new language; strikeout is removed language.*)

3. Lycoming County Orphans' Court Rules L14.1, L17.10 and L17.11 are hereby replaced in their entirety with identically numbered rules, that are set forth in the following.

4. The Clerk of the Orphans' Court is directed to:

a. File seven (7) certified copies of this order with the Administrative Office of the Pennsylvania Courts.

b. Forward two (2) certified copies of this order, and a disk containing the text of the local rule, to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

c. Forward one (1) certified copy of this order to the Pennsylvania Orphans' Court Procedural Rules Committee.

d. Forward one (1) copy of this order to the *Lycoming Reporter* for publication therein.

e. Forward one (1) copy to the chairman of the Lycoming County Customs and Rules Committee.

f. Keep continuously available for public inspection copies of this order.

5. The rule revisions approved by this order shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

KENNETH D. BROWN,
President Judge

ACCOUNTS AND DISTRIBUTION

L6.1. Form of Account. *In addition to the requisites of the form of account of Pa.O.C. Rule 6.1, to facilitate preparation, the accountant may prefer to detail the starting balance by attaching a copy of the inventory as an exhibit. (This would be inappropriate if the inventory is prepared in a form that includes substantial extraneous material or does not list assets in an orderly manner.) The opening entry would then read:*

"Assets Listed in Inventory per copy attached" (insert amount)

~~A. In addition to the requisites of the form of the account of Pa.O.C. Rule 6.1, the account shall contain, at the beginning of the disbursement section, a subsection under the heading "ATTORNEY'S AND FIDUCIARY'S FEES, COMMISSIONS AND EXPENSES" which shall indicate separately the total amount of all disbursements which have been made for the purpose of paying attorney's fees and expenses and the total amount of all disbursements which have been made for the purpose of paying the fiduciary's fees or commissions and which have been made for the purpose of paying the fiduciary's expenses. This subsection shall be substantially in the form prescribed by Lyc. Co. O.C.R. L17.1.~~

~~B. Ledgers and Printouts.~~ Accountant's copies of ledgers and printouts may be used to state an account, if they are legible. If these contain abbreviations, code numbers or symbols, such abbreviations, code numbers and symbols shall be explained.

~~C. The periodic account required of an appointed guardian of the estate of an incapacitated person shall be substantially in the form prescribed by Lyc. Co. O.C.R. No. L17.13.~~

L6.9. Statement of Proposed Distribution.

A. Every fiduciary filing an account in which a distribution has been or is to be made shall file with the clerk a *verified* statement of proposed distribution substantially in the form prescribed by Lyc. Co. O.C.R. L17.4. When real estate is to be distributed, the description of said real estate shall be by metes and bounds when such a description is available.

B. When the fiduciary who files the account does not file a statement of proposed distribution, he or she shall request the appointment of an auditor. This request shall be by motion and shall be filed at the same time the account is filed. The court shall appoint an auditor to resolve issues of law and fact and to propose a distribution of the assets of the estate.

C. Notice of the filing of the statement of proposed distribution or the request for appointment of an auditor shall be given as prescribed by Lyc. Co. O.C.R. L6.3.

ESTATES OF INCAPACITATED PERSONS

L14.1. Incapacitated Persons

A. Notice in matters involving adjudication of incapacity or appointment or removal of a guardian for an incapacitated person is required on all persons who are sui juris and are heirs of the alleged or adjudicated incapacitated person, as defined by the intestacy laws of Pennsylvania. Such notice is required even if the person does not reside within the Commonwealth of Pennsylvania.

B. Notice required in matters involving adjudication of incapacity or appointment or removal of a guardian for an incapacitated person, other than notice upon the alleged or adjudicated incapacitated person, shall be by personal

service, by service in such manner as the court directs and/or as directed by statute in that particular case; or may be made by first class mail, postage prepaid, to the known or last known address. In the latter case, a certificate of service shall be prepared and filed verifying that the address used is the proper known or last known address, and attaching a postal service certificate of mailing.

C. Notice and Service. The petition shall include a notice and citation as prescribed by the Pennsylvania Orphans' Court Rules. Petitioner shall be responsible for obtaining a completed notice and citation from the clerk, and petitioner shall be responsible for proper service of the petition, notice and citation. In all cases, service of the petition, notice and citation shall be made upon the alleged or adjudicated incapacitated person by personal service by the sheriff or by any other competent adult, and the person making such service shall read to the alleged or adjudicated incapacitated person the petition, notice and citation, and then for a second time the notice and citation. The person making service shall explain the contents to the extent possible.

D. Service of emergency guardianship petition.

(1) Service of emergency guardianship petition on incapacitated person. Petitioner shall serve the emergency guardianship petition in person on the alleged incapacitated person at least 48 hours prior to the emergency hearing and within 48 hours of the hearing date and time being scheduled. In the event there is not 48 hours between the time the hearing is scheduled and the hearing date and time, petitioner shall serve the emergency guardianship petition in person on the alleged incapacitated person within a reasonable amount of time prior to the emergency guardianship hearing. What is a reasonable amount of time shall depend upon the circumstances, such as the amount of time that exists between the time the hearing is scheduled and the actual hearing date. It shall be in the court's discretion to determine the timeliness of the service. Petitioner must offer evidence via affidavit and be prepared to present testimony to prove the reasonableness of the service.

(2) Service of emergency guardianship petition on sui juris, agents under a power of attorney, residential service providers, and other service providers. Petitioner shall serve the emergency guardianship petition on all persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time (even if the person does not reside within the Commonwealth of Pennsylvania), on the agents under the alleged incapacitated person's power of attorney, on the person or institution providing residential services to the alleged incapacitated person, and on such other parties as the court may direct, including other service providers, in any reasonable manner and within a reasonable amount of time prior to the emergency guardianship hearing. Any reasonable manner shall include service in person or by telephone, facsimile, mail, or electronic transmission depending upon the circumstances. However, service by telephone alone shall not be the favored method and shall be used only in circumstances where the other methods of service would not be timely. What is a reasonable amount of time shall depend upon the circumstances, such as the amount of time that exists between the time the hearing is scheduled and the actual hearing date. It shall be in the court's discretion to determine if the manner and timeliness of the service were reasonable. Petitioner must offer evidence via affidavit and be prepared to present testimony to prove that the manner and timeliness of the service were reasonable.

E. Return of Service. Petitioner is responsible for filing a return of service conforming to Pa.R.C.P. No. 405, which also confirms that the contents of the notice and citation of the petition were read and, to the extent possible, explained, to the respondent as set forth in paragraph C, above.

F. Petition. A petition for adjudication of incapacity and/or for appointment of a guardian of the estate of the person shall be substantially in the form prescribed by Lyc. Co. O.C.R. L17.9, and shall contain all the items of information referred to therein. Language used in the petition should be easily understood. It is recommended that an affidavit of a physician or clinical psychologist be attached which contains a description of the physical and mental condition, any functional limitations and whether or not the respondent would be harmed by attendance at the proceeding to determine incapacity.

G. Status report on legal representation. At least 14 days prior to the date established for hearing on the petition, petitioner shall file in duplicate a status report on legal representation, in substantially the form prescribed by Lyc. Co. O.C.R. L17.10, each of which should have attached, under the proper caption, the appropriate order, in substantially the form prescribed by Lyc. Co. O.C.R. L17.11.

H. Proposed findings of fact. Petitioner shall provide to the court, at or before hearing, proposed findings of fact in a form suitable for adoption by the court at hearing. Such findings shall include, inter alia, in separately numbered statements, at least the facts petitioner intends to establish which are required in order for the court to grant the relief requested.

I. Periodic report of the guardian of the person. Within one year of the date of appointment and annually thereafter, or with such greater frequency as the court may direct, every guardian of the person of an incapacitated person shall file a periodic report of the guardian of the person in substantially the form prescribed by the Pennsylvania Orphans' Court Rules. Notice and service of said report shall be in such manner as the court shall direct.

J. Periodic report of the guardian of the estate. Within one year of the date of appointment and annually thereafter, or with such greater frequency as the court may direct, every guardian of the estate of an incapacitated person shall file a periodic report of the guardian of the estate in substantially the form prescribed by the Pennsylvania Orphans' Court Rules. Notice and service of said report shall be in such manner as the court shall direct.

K. Filing of emergency guardianship petition. In all cases where an emergency guardianship petition is filed, a plenary petition shall be filed at the same time. Additionally, with the filing of the emergency and plenary petitions, petitioner shall file a motion cover sheet in accordance with Lyc. Co. O.C.R. L3.4. The motion cover sheet shall include within the order a rule to show cause as to why the alleged incapacitated person shall not be adjudicated capacitated. Petitioner shall serve the executed motion cover sheet on the alleged incapacitated person, counsel for the alleged incapacitated person, all persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time (even if the person does not reside within the Commonwealth of Pennsylvania), on the agents under the alleged incapacitated person's power of attorney, on the person or institution providing residen-

tial services to the alleged incapacitated person, and on such other parties as the court may direct, including other service providers. In the event petitioner determines that the plenary petition is not necessary, peti-

tioner shall file a verified statement explaining the reason for the lack of necessity of the plenary guardianship. The verified statement shall be substantially in the following form:

IN THE MATTER OF)
 _____,)
an alleged incapacitated person)
)
)
)
IN THE COURT OF COMMON PLEAS OF
LYCOMING COUNTY, PENNSYLVANIA

ORPHANS' COURT DIVISION

NO. _____

STATEMENT EXPLAINING REASON FOR LACK OF NECESSITY OF PLENARY GUARDIANSHIP

I, _____, petitioner/counsel for petitioner in the above-referenced matter, hereby state, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that a plenary guardianship is not necessary for the following reason(s):

Respectfully submitted,
Petitioner/Counsel for Petitioner

Dated: _____

[address]
[telephone number]

L17.4. Statement of Proposed Distribution. The statement of proposed distribution required by Lyc. Co. O.C.R. L6.9 shall be substantially in the following form:

IN RE ESTATE OF: : IN THE COURT OF COMMON PLEAS OF
 : LYCOMING COUNTY, PENNSYLVANIA
 _____ :
 Deceased : ORPHAN'S COURT DIVISION
 :
 : DOCKET NUMBER:

STATEMENT OF PROPOSED DISTRIBUTION OF THE ESTATE OF

filed by:

Fiduciary

Capacity

1. Date of death.
2. Indicate whether the decedent died testate or intestate and the date of probate of the decedent's last will and testament (if any).
3. Date of appointment of executor or administrator.
4. Set forth the name and address of the decedent's spouse.
 - (a) Indicate whether the spouse has elected to take against the will and if so, the date of the filing of the election:
 - (b) Indicate whether the decedent married after the execution of the will or codicils (if any) and which of the said will or codicils was executed prior to the marriage:
5. Set forth the names and addresses of the decedent's surviving issue or adopted children and indicate if any of

- them were born or adopted after the execution of the will (if any):
6. Set forth in list form the names of all legatees or in the case of an intestacy or partial intestacy, the names of the heirs at law and the addresses of the legatees and heirs (if not previously disclosed in 4 and 5 above). Also, set forth the relationship of the legatees or heirs to the decedent, the amount or percentage of the interest and the character of the interest. This information may be in summary form but should indicate whether any of the devises and bequests have been revoked, adeemed, lapsed or been assigned, attached or disclaimed:
 7. Set forth the names of all parties in interest who are under any legal disability and the names and addresses of their guardians or committees and the circumstances of the disability:
 8. Set forth the names and addresses of unpaid credi-

tors from whom the fiduciary has received written notice or of whom the fiduciary has actual notice. Also, set forth which of the amounts claimed are admitted:

9. Indicate whether or not charitable bequests are involved and if so, whether the Attorney General has been served with notice:

10. List any fiduciary capacity which the decedent held and indicate the present status and court docket number (if any):

11. Indicate whether the Pennsylvania transfer, inheritance and estate taxes have been paid in full. If so, in lieu of completing the schedule below a copy of notice of filing of appraisalment may be attached:

(a) State the Pennsylvania Department of Revenue appraisalment value of the estate, the amount of the debts and deductions allowed by the register of wills, and the value of the taxable estate:

Appraisalment Value _____
 Less Debts and Deductions _____
 Taxable Estate _____

(b) State the tax rate and the total amount of tax paid:

Tax Rate _____ %
 Tax Paid _____

12. Indicate whether the estate is subject to the federal estate tax and the date of receipt of a federal estate tax closing letter (if it has been received). If the letter has not been received indicate that to the personal representative's information, knowledge and belief the federal estate taxes have been paid in full in accordance with the return filed:

13. Where the accountant is requesting that an issue be decided by an auditor or by the court, set forth any such issues:

14. Indicate whether a reserve is requested and, if so, state the amount and purpose thereof:

The accountants propose to distribute the assets as follows:

Name of Distributee	Asset to be Distributed	Inventory Value	Tax Basis Value

Total Distribution Value _____

 (Accountant)

 (Accountant)

IN RE ESTATE OF: _____ : IN THE COURT OF COMMON PLEAS OF
 _____ : LYCOMING COUNTY, PENNSYLVANIA
 _____ :
 Deceased : ORPHAN'S COURT DIVISION
 _____ :
 _____ : DOCKET NUMBER:

AFFIDAVIT OF INDIVIDUAL FIDUCIARY(IES)

_____, the within named fiduciary(ies) verify(ies) that the facts set forth in the foregoing account and statement of proposed distribution, which are within the personal knowledge of the fiduciary(ies), are true, and as to facts based on information of the others, the fiduciary(ies), after diligent inquiry, believe(s) them to be true. I understand that false statements therein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

 Signature(s) of Individual
 Fiduciary(ies)

Date: _____

* * * * *

IN RE ESTATE OF: _____

 Deceased

: IN THE COURT OF COMMON PLEAS OF
 : LYCOMING COUNTY, PENNSYLVANIA
 :
 : ORPHAN'S COURT DIVISION
 :
 : DOCKET NUMBER: _____

AFFIDAVIT OF OFFICER OF CORPORATE FIDUCIARY

_____ verifies that he is the _____ of the above named _____, and that the facts set forth in the foregoing account and statement of proposed distribution which are within the personal knowledge of the affiant are true, and as to facts based on the information of others, the affiant, after diligent inquiry, believes them to be true. I understand that false statements therein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

 Signature of Officer of
 Corporate Fiduciary

Date: _____

NOTE: The statement of proposed distribution is to be verified using the forms set forth in the Pennsylvania Orphans' Court Rules.

IN RE ESTATE OF: _____

 Deceased

: IN THE COURT OF COMMON PLEAS OF
 : LYCOMING COUNTY, PENNSYLVANIA
 :
 : ORPHAN'S COURT DIVISION
 :
 : DOCKET NUMBER: _____

AFFIDAVIT VERIFICATION OF NOTICE

 (Fiduciary), _____
 (Capacity) of the Estate of _____, verifies that written notice by _____ (state method of service of notice) was given of the filing of the [Account and Statement of Proposed Distribution/Account and Request for the Appointment of an Auditor] to every unpaid claimant who has given written notice of his claim to the accountant and to every person known to the accountant to have or claim an interest in the estate as creditor, beneficiary, heir or next of kin. Copies of said written notices are attached. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

 Fiduciary or Officer of
 Corporate Fiduciary

Date: _____

L17.9. The Petition to Adjudicate Incapacity and for the Appointment of a Guardian. The petition to adjudicate incapacity and for the appointment of a guardian referred to in Lyc. Co. O.C.R. L14.1A F shall be substantially in the following form: **[The form is unchanged.]**

L17.10. The status report on legal representation referred to in Lyc. Co. O.C.R. L14.1G shall be substantially in the following form:

IN THE MATTER OF _____) IN THE COURT OF COMMON PLEAS OF
 _____) LYCOMING COUNTY, PENNSYLVANIA
 an alleged incapacitated person)
) ORPHANS' COURT DIVISION
)
) NO. _____

STATUS OF ALLEGED INCAPACITATED PERSON'S LEGAL REPRESENTATIVE

6. The Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate in the above-referenced matter was filed with this Honorable Court on _____ [date] (or is being filed herewith).

7. Service of the Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate was served on the alleged incapacitated person on _____ [date] (or has not been served to date).

8. The Hearing on the Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate has been scheduled for _____ [date] (or has not been scheduled yet).

9. Counsel for the alleged incapacitated person (is) (is believed to be): [name, address, and telephone number] or Petitioner does not believe that the alleged incapacitated person is represented by counsel.

10. According to Petitioner's knowledge and belief, the assets of the alleged incapacitated person consist of approximately \$ _____ .

11. Petitioner requests that counsel for the alleged incapacitated person be appointed by this Honorable Court and pursuant to 20 Pa.C.S. § 5511(c), be compensated by Lycoming County or Petitioner requests that counsel for the alleged incapacitated person be appointed by this Honorable Court and that counsel for the alleged incapacitated person not be compensated by Lycoming County.

Respectfully submitted,
Petitioner/Counsel for Petitioner

Dated: _____

[address]
[telephone number]

L17.11. The proposed order referred to in Lyc. Co. O.C.R. L14.1G shall be substantially in the following form:

IN THE MATTER OF)	IN THE COURT OF COMMON PLEAS OF
_____ ,)	LYCOMING COUNTY, PENNSYLVANIA
an alleged incapacitated person)	
)	ORPHANS' COURT DIVISION
)	
)	NO. _____

ORDER

AND NOW this _____ day of _____, _____, upon consideration of the attached status report, _____ is hereby appointed as counsel for the alleged incapacitated person. Counsel for the alleged incapacitated person _____ shall/ _____ shall not be compensated by Lycoming County. A certified copy of this order shall be served on the alleged incapacitated person, counsel for the alleged incapacitated person, and all persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time.

BY THE COURT:

J.

[Pa.B. Doc. No. 08-1745. Filed for public inspection September 26, 2008, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[L-00040167/57-248]

Inspection and Maintenance Standards for Electric Distribution Companies

The Pennsylvania Public Utility Commission (Commission) on May 22, 2008, adopted a final-form rulemaking order which implements minimum inspection, maintenance, repair and replacement standards on electric distribution companies (EDCs) operating in this Commonwealth.

Executive Summary

Section 4 of the Electricity Generation Customer Choice and Competition Act (Act), December 3, 1996 (P. L. 802, No. 138) (Act) became effective January 1, 1997. The Act amends 66 Pa.C.S. by adding Chapter 28 to establish standards and procedures to create direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system. Specifically, 66 Pa.C.S. § 2802(20) provides:

(20) Since continuing and ensuring the reliability of electric service depends on adequate generation and on conscientious inspection and maintenance of transmission and distribution systems, the independent system operator or its functional equivalent should set, and the commission shall set through regulations, inspection, maintenance, repair and replacement standards and enforce those standards.

In our final rulemaking order entered May 20, 2004, at L-00030161 Rulemaking Re Amending Electric Service Reliability Regulations at 52 Pa. Code Chapter 57, Final Rulemaking Order, the Commission declined at that time to require specific inspection and maintenance standards reasoning that technological advances continue to improve the inspection and testing process. The Commission asked companies to report their own internal inspection and maintenance standards. The Commission measured the EDCs' progress towards meeting their individual goals and considered this information along with whether the EDCs were meeting their reliability standards to determine whether service was deteriorating or not within a given service territory due to the fault of the EDC.

After the blackout of August 2003, new information arose which caused this Commission to reevaluate the need for specific inspection and maintenance standards. One of the causes of the blackout was the failure of FirstEnergy Corporation to adequately manage tree growth along transmission lines. Final Report on the August 14 Blackout in the United States and Canada, U.S.—Canada Power System Outage Task Force, pp. 17, 57-64 (April 2004).

This final rulemaking order seeks to implement minimum inspection, maintenance, repair and replacement standards on electric distribution companies operating in Pennsylvania. The Commission proposes to require an initial inspection and maintenance plan for upcoming calendar years due by October 1, 2009, for Compliance

Group 1 and October 1, 2010, for Compliance Group 2 which shall cover the two calendar years beginning 15 months following October 1. The plan must cover 2 years, and must be filed biennially. The plan must detail a program for the maintenance of electric distribution facilities including: poles, wires, conduits or other fixtures, along public highways or streets for the distribution of electric current, owned, operated, managed or controlled by the company in a format the Commission staff prescribes. These plans are subject to acceptance or rejection by the Commission or its Bureau of Conservation, Economics and Energy Planning if the minimum inspection and maintenance intervals as outlined in Annex A, proposed in § 57.198(n) are not included in the plans without justification. Annex A contains minimum standards for vegetation management, pole inspections, distribution overhead line and transformer inspections, recloser inspections, and substation inspections.

Public Meeting held
May 22, 2008

Commissioners Present: Wendell F. Holland, Chairperson;
James H. Cawley, Vice Chairperson; Tyrone J. Christy;
Kim Pizzigrilli

Revision of 52 Pa. Code Chapter 57 Pertaining to Adding Inspection, Maintenance, Repair, and Replacement Standards for Electric Distribution Companies; Docket No. L-00040167

Final Rulemaking Order

By the Commission:

In this final rulemaking order, the Commission is adopting final-form regulations designed to improve the monitoring and achievement of reliability performance in the electric distribution industry by establishing inspection, maintenance, repair and replacement standards ("I & M standards") and creating a new regulation at 52 Pa. Code § 57.198, requiring biennial filings regarding companies' inspection, maintenance, repair and replacement plans ("I & M plans") that fit within the standards' intervals.

Since the Electricity Generation Customer Choice and Competition Act (Act), 1996, December 3, P. L. 802, No. 138 § 4, became effective January 1, 1997, we have been examining the EDCs' inspection, maintenance, repair and replacement internal standards and have been evaluating what kind of standards to implement through regulations in order to comply with the legislative mandate to ensure that levels of reliability that were present prior to the restructuring of the electric utility industry would continue in the new competitive markets. 66 Pa.C.S. §§ 2802(12) and (20), 2804(1) and 2807(d).

By this regulation, beginning October 1, 2009, the EDCs shall be required to biennially file, on or before October 1st every other year, I & M plans explaining their plans for inspection, maintenance, replacement and repair for the upcoming calendar year. The regulation also establishes I & M standards for a variety of activities such as vegetation management, pole inspections, overhead line inspections and substation inspections, based on current industry practices and the comments submitted in this rulemaking proceeding.

However, the regulation will allow the individual EDCs to deviate from the standards set forth in the regulation, provided that such deviation can be justified based on utility-specific circumstances or a cost/benefit analysis. In this fashion, where compliance with a given I&M standard for a specific EDC would not be prudent or cost/benefit justified, the EDC may deviate from that standard provided that it can adequately justify the different I & M interval or approach.

The Commission, therefore, finds that this final-form regulation will comply with the requirements of Chapter 28 and our fundamental obligations to ratepayers of Pennsylvania to maintain adequate service reliability without imposing unjustified costs.

I. Procedural History

The Act amends Title 66 of the Pennsylvania Consolidated Statutes ("Public Utility Code" or "Code") by adding Chapter 28 to establish standards and procedures to permit direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system. Specifically, the Commission was given a legislative mandate to ensure that levels of reliability that were present prior to the restructuring of the electric utility industry would continue in the new competitive markets. 66 Pa.C.S. §§ 2802(12), 2804(1) and 2807(d).

In response to this legislative mandate, the Commission adopted a final rulemaking order on April 23, 1998, at Docket No. L-00970120, setting forth various reporting requirements designed to ensure the continuing safety, adequacy and reliability of the generation, transmission and distribution of electricity in the Commonwealth. See 52 Pa. Code §§ 57.191—57.197. These reporting requirements included, *inter alia*, descriptions of each major event affecting reliability, the achieved values on various reliability indices (SAIFI, CAIDI, SAIDI and MAIFI), analysis of major outages during the study, and a list of remedial efforts taken for the EDC's worst performing 5% of circuits. However, while the EDCs were obligated to report on their inspection and maintenance goals and actual results, the regulation contained no standards by which those practices would be measured. The final rulemaking order also suggested that the Commission could reevaluate its monitoring efforts at a later time as deemed appropriate.

On June 12, 2002, the Legislative Budget and Finance Committee (LB&FC) issued a Report entitled, *Assessing the Reliability of Pennsylvania's Electric Transmission and Distribution Systems*. The LB&FC Report made several recommendations regarding the issue of reliability including: revising and enhancing EDC reliability reporting requirements and performance monitoring standards, clarifying reporting requirements regarding the exclusion of data for major events, requiring formal waivers for EDCs unable to comply with all reporting requirements, and completing the pending inspection and maintenance study by our staff.

Shortly thereafter, on July 18, 2002, at M-00021619, the Commission adopted its Bureau of Conservation Economics and Energy Planning's (CEEP) *Inspection and Maintenance Study of Electric Distribution Systems* dated July 3, 2002. CEEP, in part, recommended that the annual reliability reporting requirements be revised to include the causes of outages and percentages categorized by type as well as the annual reporting of each company's planned inspection and maintenance activities including: (1) vegetation management; (2) distribution and subst-

tion maintenance activity; and (3) capital improvement projects. The Commission agreed with CEEP's recommendations in this regard.

The Commission created a Staff Internal Working Group on Electric Service Reliability (Staff Internal Working Group) to conduct a reevaluation of its electric service reliability efforts. The group was comprised of members of Commission bureaus with either direct or indirect responsibility for monitoring electric service reliability.

The Staff Internal Working Group prepared a report, entitled *Review of the Commission's Monitoring Process For Electric Distribution Service Reliability*, dated July 18, 2002, which reviewed the Commission's monitoring process for electric distribution service reliability and provided comments on recommendations from the LB&FC report. The Staff Internal Working Group report also offered recommendations for tightening the standards for reliability performance and establishing additional reporting requirements by EDCs.

On August 29, 2002, the Commission issued an order at Docket No. D-02SPS021 that tentatively approved these recommendations and directed the Commission staff to undertake the preparation of orders, policy statements, and proposed rulemakings as may be necessary to implement the recommendations contained in the Staff Internal Working Group's report. The Staff Internal Working Group was assigned the responsibility to implement the recommendations. The Staff Internal Working Group determined which implementation actions could be accomplished internally (with or without a formal Commission order), and which actions will require changes to regulations.

On June 27, 2003, at Docket No. L-00030161, the Commission adopted proposed regulations governing the reliability of electric service in Pennsylvania. On May 7, 2004 a final rulemaking order was entered at Docket No. L-00030161 *Rulemaking Re Amending Electric Service Reliability Regulations at 52 Pa. Code Chapter 57*. While the Commission did increase its reporting requirements of the EDCs, the Commission declined at that time to require specific inspection, maintenance and repair standards reasoning that technological advances continue to improve the inspection and testing process. The Commission asked companies to progress towards meeting their individual goals and considered this information along with whether the EDCs were meeting their reliability standards to determine whether service was deteriorating or not within a given service territory due to the fault of the EDC.

However, after the blackout of August 14, 2003, new information arose which caused this Commission to re-evaluate the need for specific inspection and maintenance standards to supplement its existing measures to ensure reliability. In particular, the Commission observed that one of the fundamental causes of the blackout was the failure of FirstEnergy Corporation to adequately manage tree growth along transmission lines. *Final Report on the August 14 Blackout in the U.S. and Canada, Canada Power System Outage Task Force*, pp. 17, 57-64 (April 2004). The Commission also took note of the language in Section 2802(20) of the Public Utility Code which appears to mandate, through regulations, the establishment of "inspection, maintenance, repair, and replacement standards" to ensure the reliability of electric service in Pennsylvania. 66 Pa.C.S. § 2802(20).

On April 20, 2006, the Commission adopted a proposed rulemaking order seeking to implement proposed mini-

mum inspection, maintenance, repair and replacement ("I&M") standards on EDCs. The comment deadline was extended in order to hold a technical conference at the Commission on January 22, 2007. Presentations were offered by two panels at the technical conference. The first panel consisted of the Office of Consumer Advocate and AFL-CIO—Utilities Caucus that generally supported the proposed regulations. The second panel consisted of UGI Utilities, Duquesne Light Company, Allegheny Power, PPL Electric Utilities Corporation, PECO Energy Company and FirstEnergy. The second panel generally agreed with a requirement to submit I & M plans, but disputed the proposed regulations regarding setting minimum I & M standards.

At the technical conference Commission staff asked questions of the presenters, and supplemental responses to some data requests and other comments were timely submitted by April 16, 2007, by many interested parties including: the Attorney General's Office of Consumer Advocate (OCA), AFL-CIO Utility Caucus (AFL-CIO), Pennsylvania Utility Contractors Association (PUCA), Office of Small Business Advocate (OSBA), Citizens' Electric Company (Citizens'), Wellsboro Electric Company (Wellsboro), Metropolitan Edison Company (Met-Ed), Pennsylvania Electric Company (Penelec), Pennsylvania Power Company (Penn Power)¹, PPL Electric Utilities Corporation (PPL), PECO Energy Company (PECO), UGI Utilities, Inc.—Electric Division (UGI), Allegheny Power Company (Allegheny Power), Energy Association of Pennsylvania (EAP), Pike County Light & Power Company (Pike County), and the IECPA.² The Commission also received comments on May 16, 2007 from the Independent Regulatory Review Commission (IRRC) and Senator Robert M. Tomlinson.

Our Proposed Rulemaking Order added a regulation at 52 Pa. Code § 57.198 which proposed minimum standards regarding vegetation maintenance, pole, line, reclosers, sub-station inspections, maintenance and repair standards as well as directing EDCs to file biannually plans with annual updates in compliance with the minimum standards.

II. Discussion of General Comments

Comments of the Energy Association of Pennsylvania (EAP)

The EAP commented that the Commission has already mandated, by its existing regulations, reliability performance benchmarks that an EDC must satisfy and that this ensures a reliable distribution system. The Commission has numerous opportunities to review system performance through quarterly and annual reliability reports, customer complaints, customer satisfaction surveys and individual company meetings. Additionally, the Commission can review EDCs' Operation and Maintenance practices through the mandated management effectiveness and operating efficiency audits that must be conducted not less than every 8 years.

The EAP stated that the proposed rulemaking has moved forward without the industry expertise or cost/benefit analysis to support the requirements. The EAP estimates that if the proposed regulations are implemented, the added expense to Pennsylvania ratepayers over and above current inspection and maintenance practices will exceed at least \$75 million per year with little

or no assurance of improved electric service reliability. EAP alleges that proposal would increase the overall EDCs' operations and maintenance expenses 6.3% without a cost effective result for improving reliability. If mandated, the EDCs would eventually recover their increased operating costs through increased rates. EAP states that the needless increase in cost to the consumer could result in industrial job losses because of the increased electricity prices, the relocation of industry out-of-state, or not investing in present facilities.

The EAP states that there are no studies to support a conclusion that the proposed standards will improve distribution service reliability to Pennsylvania customers. Also, the recently adopted regulations which tightened the Commission's monitoring of EDCs should be given a chance to work before additional needless regulations are imposed upon the EDCs.

Additionally, the EAP claims that Federal Energy Regulatory Commission (FERC) has asserted jurisdiction over all EDC transmission plants. Promulgating regulations governing the transmission plant is legally impermissible, as it is outside the jurisdiction of this Commission. Mandated standards will exacerbate an EDC's trained worker resources shortage and will result in an increase in labor costs for EDCs because of the shortage of trained work force resources. Furthermore, the EAP alleges that 87% of tree-caused customer outages are caused by trees from outside the EDCs' right-of-way over which EDCs have limited control, and these proposed regulations would have no impact on decreasing these out-of-right-away outages. Thus, no substantial reliability would be improved.

Comments of the Pennsylvania Utility Contractors Association (PUCA)

The PUCA commented to our Advance Notice of Proposed Rulemaking that it represents 300 contractors, subcontractors and suppliers throughout Pennsylvania and it believes standards should be established for repair and maintenance of the EDC equipment or facilities critical for system reliability and for the safety of their workers.

Comments of Allegheny Power (AP)

AP commented that standardized industry-wide inspection and maintenance standards are not necessary in order for the Commission to ensure reliable electric delivery in Pennsylvania. AP agreed that it is appropriate for the Commission to require submittal of an EDC's individual plan of inspection and maintenance programs.

Comments of Wellsboro and Citizens'

Wellsboro and Citizens' jointly commented that they have voluntarily been replacing transformers and constructing transmission lines due to their obligations under the Public Utility Code to provide safe, adequate and reliable service to their customers and additional regulatory mandates for specific inspection, maintenance and repair or replacement activities should not be imposed. Citizens' and Wellsboro support the EAP's comments relating to desired flexibility in meeting reliability obligations rather than mandatory Commission-imposed cycles that may not result in cost-effective enhancements to service reliability.

Comments of UGI Utilities, Inc.—Electric Division (UGI)

The UGI is a small EDC and it commented that the Commission should consider carefully the costs and benefits of its proposed regulations at a time when rate caps expire and the EDCs' costs will again be scrutinized. UGI

¹ Collectively, Met-Ed, Penelec and Penn Power are referred to as FirstEnergy.

² The IECPA et al. consists of Duquesne Industrial Intervenor, Met-Ed Industrial Users Group, Philadelphia Area Industrial Energy Users Group, Penelec Industrial Customer Alliance, PP&L Industrial Customer Alliance and the West Penn Power Industrial Intervenor.

notes that it has been a good performer in reliability indices reports and the proposed regulations would not necessarily have any impact on reliability for the company. Out of the total aggregate industry-wide increase in costs, UGI predicts its cost increase would be \$2 million. The compliance cost would increase the UGI's current maintenance expenses by 25% and cost recovery would cause the UGI's transmission and distribution rates to increase by approximately 6%.

The UGI states there is little evidence to indicate the proposed standards will benefit the UGI customers and that the current reliability standards are sufficient to regulate the UGI's performance. As an alternative to the proposed I & M standards, the UGI proposes requiring the EDCs to submit biannual I & M plans which would enable the Commission to monitor the means by which EDCs are ensuring their compliance with the reliability benchmarks and standards without incurring unnecessary costs.

Comments of FirstEnergy

The FirstEnergy companies commented that the proposed standards hinder the EDCs' ability to implement an effective and cost-efficient plan based on the specific circumstances of the EDC. Not only will inspection and maintenance needs vary depending on the system configuration, design, equipment, customer density and condition of each EDC's system, but they will differ within pockets of a system. Further, the reliability benchmarks and standards provide the necessary motivation for EDCs to have adequate inspection and maintenance standards. Imposing additional standards is duplicative and costly.

Comments of Pike County

Pike County commented that the Commission does not have to adopt inspection and maintenance standards in order to ensure reliable electric delivery service in Pennsylvania. Instead of I & M standards, Pike County recommends the Commission establish certain broad reliability criteria and afford individual utilities the flexibility to meet such criteria in the most efficient, cost-effective manner. Any standards adopted by the Commission should not be in conflict with similar standards adopted by the FERC or the PJM Interconnection (PJM).

Pike claims that it is part of a multi-state system which has developed I & M programs internally based on history, practices, and experience. Tailoring its program to meet the proposed standards would be a costly and inefficient use of Pike County's resources according to Pike County. Pike does not support strict uniform I & M standards to assure reliable electric service. Pike argues an EDC's flexibility should be maintained for the development, modification and administration of I & M programs that not only impact reliability but efficiency as well.

Comments of Duquesne Light Company (Duquesne Light)

Duquesne Light supports flexible inspection and maintenance plans and related technology advancements that make strict standards obsolete. Duquesne Light supports the Commission's efforts to establish periodic I & M standards and is supportive of developing rules to support a flexible frame work. Such plans should be submitted every 2 years for Commission review, comment and approval, and utilize the existing quarterly and annual reliability reports as a "timely" resource to monitor the activities at the EDCs to ensure that appropriate standards are currently being followed by the EDCs. Duquesne Light commented that the proposed regulations are wrong because more advanced diagnostics with more technical, condition-based, maintenance and life cycle

analysis along with proven strategies and best practices should be utilized to improve reliability.

The IECPA, et al. comments.

The IECPA, et al. is comprised of ad hoc groups of large commercial, institutional, and industrial customers receiving electric service from various EDCs throughout Pennsylvania. Because members of IECPA use large amounts of electricity in their various production processes and operations, any changes to the electricity rates paid by these customers can significantly affect their overall costs of production. The IECPA, et al. urged the Commission to refrain from implementing any mandatory I & M requirements unless and until a cost/benefit test is performed. Specifically, IECPA, et al. agrees with the concerns raised by the EAP that if the proposed regulations are implemented, the added expense to ratepayers over and above current I & M program practices will exceed \$75 million per year on a Statewide basis with little or no assurance of improved electric service reliability.

While the IECPA cares about reliability of service, it is concerned that the proposed regulations will significantly increase their rates without providing corresponding improvements in reliability. Only after the Commission has determined that the costs of applying these regulations to the EDCs will be equal to or less than the benefits that will be received by the customers should the Commission impose the additional regulations on the EDCs.

Comments of Senator Robert M. Tomlinson

Senator Robert M. Tomlinson commented on May 16, 2007, that the Commission's proposed regulation may bring an additional industry-wide aggregate cost of \$75 million in assessments upon the Commonwealth ratepayers as the EDCs claim, with little or no guarantee that there would be a direct benefit to reliability.

While he agreed that companies should file their inspection and maintenance plans, his interpretation of the LB&FC study of June 2002 on reliability, is that the LB&FC did not recommend the Commission adopt detailed and specific standards because all systems are not the same. The audit, however recommended an approach similar to Illinois whereby detailed documentation on programs are submitted. Senator Tomlinson believes this is a better approach as the regulations need to provide for the EDCs to create the appropriate programs and integrate advances in technology into future inspection and maintenance plans. Further, companies not meeting the reliability standards can be ordered to improve reliability.

Comments of the Independent Regulatory Review Commission

The IRRC commented that it is concerned about the fiscal impact of the minimum standards proposed in the regulations. The EDCs' claim that the proposed regulation would cost more than \$75 million per year for Pennsylvania ratepayers is of concern when there is no identifiable direct benefit that can be attributed to the proposed regulation. IRRC stated that the Commission failed to submit information concerning costs imposed on the public and private sectors.

Further, IRRC comments that the need for such stringent regulations is not explained in detail. IRRC states that the Commission is already receiving significant information concerning EDCs' I & M programs and has acted upon some companies on a case-by-case basis. Therefore, there needs to be strong justification for an across-the-board regulation.

Also, IRRIC commented that the EDCs have reported a loss of skilled technical talent in the electric industry and therefore their current taskforces may be insufficient to meet the needs of the regulation. It may take a few years for the EDCs to recruit, hire and train an adequate workforce that would bring them into compliance with the proposed regulation. If the Commission were to move forward with the regulation, it must address this concern and provide an adequate time period for the EDCs to come into compliance.

Regarding conflict with other regulations, IRRIC notes that on March 16, 2007, FERC issued an order entitled "Mandatory Reliability Standards for the Bulk-Power System" for a final rule. FERC adopted vegetation management and is using the program developed by NERC. This program does not set forth specific inspection trim cycles but requires utilities maintain minimum clearances. Unlike the proposed regulation, it provides flexibility for utilities, EDCs or transmission owners to develop their own inspections schedules that are of "sufficient frequency to insure compliance with clearance requirements." The proposed regulation is stricter than the FERC rule for bulk power system of 100 kV or more. IRRIC requested a strong justification for this rulemaking to go forward.

Finally, IRRIC commented that the EDCs need an adequate time period to come into compliance with I & M standards because they will need to recruit and hire adequately strained staff.

Comments of the Office of Consumer Advocate (OCA)

The OCA commented that the Commission must establish inspection, maintenance, repair and replacement standards because this is required by 66 Pa.C.S. § 2802(20). The OCA acknowledges the standards should allow for flexibility to the EDCs in establishing and improving practices, and should allow an EDC to recognize the unique features of its transmission and distribution system. The OCA submits that adoption of a broad set of inspection and maintenance standards that set forth minimum requirements, coupled with submission and review of individual transmission and distribution maintenance plans will meet the desired goals. A broad set of minimum standards designed to promote high-quality service and a "best practices" approach is best.

The OCA states that its proposed standards are designed to ensure that all critical facilities are reviewed and tested on a regular basis and that deficiencies are remedied in a reasonable time. The OCA claims its standards neither limit the use of new technology nor innovation. Appropriate standards will ensure that proper attention is given to critical facilities and that techniques that can improve the efficiency of review, repair and operation are put into place. The OCA argues EDCs can seek waivers from the Commission if the EDC has a particularly unique situation that would make compliance unduly burdensome. The OCA's proposed minimum standards are in line with the union's proposed standards. The OCA believes the EDCs should do more if required to maintain safe, adequate, reliable and reasonably continuous service.

The OCA further comments the minimum standards must work in concert with any Nationally established standards. That does not mean, however, that matters of Pennsylvania reliability need to rely exclusively on national standards as the EDCs suggest. The Commission is required to establish and enforce standards that meet Pennsylvania's requirements. Moreover, the OCA states

that FERC has expressed concerns over its authority to enforce its reliability standards and NERC remains a private organization that relies substantially on voluntary cooperation. The OCA also urges the Commission to consider the use of automatic fines and penalties as a means of enforcing compliance with these standards. We note that since the OCA's comment was filed, NERC has been certified as the ERO with legal authority to develop and enforce reliability standards for the bulk power system.

OSBA's Comments

OSBA recommends adding language to the proposed § 57.198 which will state that the Commission's authority is not limited and that it can investigate and adjudicate the reliability of an EDC's distribution service regardless of how that reliability compares to the EDC's reliability on the effective date of 66 Pa.C.S. Chapter 28, and that the Commission still has the authority to reduce or deny a request for rate relief if the EDC has failed, is failing, or is likely to fail to provide adequate service. Further, the OSBA recommends adding a subsection which states that an EDC's adherence to its plan shall not be construed to limit the Commission's authority to investigate under 66 Pa.C.S. § 1501 and adjudicate the reliability of an EDC's distribution service, or under 66 Pa.C.S. §§ 523 and 526, to reduce, or deny a request for rate relief if the EDC has failed to provide adequate service.

Disposition of General Comments

A. Need for I & M Regulations

Electric service reliability is an essential and core regulatory responsibility of this Commission under the Public Utility Code. EDCs have a legal obligation to connect customers, and then provide them safe, adequate, and reliable service at reasonable prices and without unreasonable interruptions or delay. 66 Pa.C.S. § 1501. Moreover, as part of their public service obligation, EDCs are required to undertake prudent operational measures to prevent or avoid outages that are preventable at a reasonable cost, and to inspect, repair and maintain their facilities in a manner consistent with prudent utility practice.

The Electricity Generation Customer Choice and Competition Act ("Act"), 1996, December 3, P. L. 802 No. 138 § 4, became effective January 1, 1997. The Act amended 66 Pa.C.S. (Public Utility Code) by adding Chapter 28 to establish standards and procedures to permit direct access by retail customers to the competitive market for the generation of electricity, while maintaining the safety and reliability of the electric system. At the same time, the Act authorized the Commission to ensure that the levels of reliability that were present prior to the restructuring of the electric utility industry would continue in the new competitive environment. 66 Pa.C.S. §§ 2802(12), 2804(1) and 2807(d). This Commission enforces nationally accepted CAIDI, SAIFI and SAIDI reliability indices standards.³ These are defined in detail in our regulations and in our order entered April 15, 2004 *Amended Reliability Benchmarks and Standards for the Electric Distribution Companies*, M-00991220, April 15, 2004.

However, in the Commission's judgment, the establishment of reasonable and flexible I & M standards for EDCs

³ SAIFI (System Average Interruption Frequency Index) is the number of sustained interruptions experienced by an average customer on the system. SAIDI (System Average Interruption Duration Index) is the number of minutes of sustained interruption experienced by an average customer on the system. CAIDI (Customer Average Interruption Duration Index) is the average duration of a sustained interruption experienced annually by a customer on the system. This is measured in minutes. As the indices figures rise, it indicates poorer performance.

will further enhance and will be an important tool to ensure adequate reliability, as required by law. In addition, we cannot ignore the explicit statutory language contained in the Act which also links the reliability of electric service with the establishment, by regulation, of inspection and maintenance standards. Specifically, 66 Pa.C.S. § 2802(20) provides:

(20) Since continuing and ensuring the reliability of electric service depends on adequate generation and on conscientious inspection and maintenance of transmission and distribution systems, the independent system operator or its functional equivalent should set, and the Commission shall set through regulations, inspection, maintenance, repair, and replacement standards and enforce those standards.

66 Pa.C.S. § 2802(20). Further, section 1501 of the Public Utility Code requires every public utility to furnish and maintain adequate, efficient, safe and reasonable service and facilities, and to make all such repairs, changes, alterations, substitutions, extensions and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service shall be reasonably continuous. 66 Pa.C.S. § 1501. Thus, both section 1501 in general and 66 Pa.C.S. § 2802(20) in particular support the establishment of I & M standards by regulation.

Additionally, in the wake of the August 14, 2003 blackout, the FERC commissioned a study of utility vegetation management practices and this led to a report entitled "Utility Vegetation Management Final Report" prepared by CN Utility Consulting, LLC and released by FERC in March, 2004. The report concluded that current oversight of utility vegetation management activities by appropriate agencies or organizations was overwhelmingly inadequate and the report recommended the adoption of vegetation management best practices, schedules and the achievement of reductions in tree-related outages. Report, pp. 68 and 69. While this report is not binding upon this Commission, we consider it in determining whether to establish I & M standards. The Commission also considers the fact that other states like California, Missouri, New York, Connecticut, and Ohio have I & M standards in place.

Finally, the Commission observes that the quarterly and annual reporting requirements under 52 Pa. Code § 57.195 are not a substitute for inspection and maintenance standards within the meaning of § 2802(20). The reporting requirements in § 57.195 of the Pennsylvania Code require EDCs to provide the Commission with inspection and maintenance goals and quarterly reports as to the EDCs' progress in meeting these goals. The establishment of reasonable and flexible I & M standards will provide EDCs with a better understanding of what goals are acceptable to the Commission for their periodic reports and will help EDCs meet these goals. Also, I & M standards are not the same as the reliability indices and standards used to measure current performance. I & M standards are focused on ensuring future reliability and are broader in scope.

For these previously-stated reasons, this Commission rejects comments suggesting that I & M standards are not necessary for Pennsylvania.

B. Approach for I & M Regulations

While the Commission finds that the establishment of I & M standards is necessary, the Commission takes seriously the position of the industry that the I & M

regulations should not mandate inspection and inspection intervals that, for a given EDC, are not prudent or would not be cost/benefit justified. The EAP's and EDCs' comments suggest that the costs associated with prescriptive I & M regulations outweigh the benefits of assuring reliability does not deteriorate from service levels in 1997. However, although the EAP claims that the aggregate cost of compliance with the I & M standards in the proposed-form regulations would be \$75 million, there are few details to support this estimate at this time. In addition, we observe that the total intrastate revenues for this industry in calendar year 2006 was \$11.6 billion. Thus, the \$75 million figure, even if sustainable, is about 0.6% of this total.

The EDCs, Senator Tomlinson, and IRRC raise the point of a cost/benefit analysis. As noted previously, we concur, in general, that I & M regulations should reflect cost/benefit concerns. As explained in a recent paper published by the National Regulatory Research Institute (NRRI), an efficient outage policy depends on the value to customers of avoiding a utility outage, as well as the cost to the utility to take reasonable steps to prevent avoidable outages. When an outage occurs, the question then is the value to customers of minimizing its duration and extent, and the cost to the utility of doing so. An efficient policy is one that reflects and achieves a reasonable relationship between the cost and benefit to the customer. *Regulatory Policies for Electricity Outages: A Systems Approach, August, 2007*, paper published by The National Regulatory Research Institute.

Industrial and commercial customers tend to be more sensitive to and experience greater damage from outage frequency because they are more reliant on digital circuitry in their industrial processes, office equipment and appliances. A power supply disturbance such as a voltage sag, surge, transient or harmonic can result in the customer experiencing an interruption in service, and machines on a manufacturing line can go off, and product and time is lost for the business. Interruption in service can also be a dangerous situation for some companies like chemical plants, hospitals, and airports.

Residential customer outages over eight hours result in loss of heat, air conditioning, use of elevators, and food spoilage. In practice, the calculation of outage costs and outage probabilities is difficult. Different customers in the same class and use category may assign very different costs to outage. NRRI paper at 5. At the technical conference, there was no offering by any party regarding customer survey data to show what values the customers place on reliable service. Neither was there any evidence presented to show the EDCs' costs for pre-outage prevention regarding vegetation management, transmission and distribution facility inspection and replacement and identification and correction of poorly performing circuits.⁴

The Commission recognize that this is a technology-based industry, and as such, our regulatory policies should be flexible in order to encourage a utility to take advantage of technological advances to bring better service to customers at a lower price. An example of technological advancement is the use of satellites for instant communications as part of the system's monitoring. Creosoted utility poles generally last longer and require less frequent inspections initially than wooden

⁴ Anecdotal information is available showing that EDCs have cost/benefit data. PECO was quoted in a recent news article as having recently spent \$1 million on squirrel guards to stop outages from squirrels. As a result, PECO reports its squirrel-related outages have fallen from 11,605 in 2003 to 1,345 in 2006. www.usatoday.com/news/nation/2007-03-11-suicide-squirrels_N.htm.

poles. Infra-red monitoring of lines is also a technological improvement over foot patrols.

The exact cost to benefit ratio of implementing any specific I & M standard is still unknown and we do not endorse, at this time, any specific model to determine that ratio. To date, the EDCs discussed general cost figures, but none of their presentations were supported by written documentation offered as evidence at the presentation at the technical conference. The EDCs have alleged that the proposed-form regulations would impose exorbitant cost increases to the EDCs without any measurable or guaranteed betterment of reliability of service. However, these estimates do not address the value customers assign to outage avoidance, nor do they address cost savings the EDCs may have experienced due to cuts in staffing or maintenance, since under a rate cap regime cutting staff and deferring maintenance can be ways to increase net income. OCA stated that it was not able to refute the \$75 million aggregate incremental cost increase because OCA did not know the details of how the figure was calculated.

Scott Rubin, Esquire, counsel for AFL-CIO—Utility Caucus, stated at the technical conference of January 22, 2007:

The EDCs combined have I think laid off in excess a thousand people in the last ten years. They've drastically reduced their maintenance and inspection budgets. So we don't view that \$75 million as being a terribly significant figure spread out across Pennsylvania, and it appears to us that the EDCs have saved substantially more than that through work force reductions and the elimination or drastic reduction of preventive maintenance.

Technical Conference of January 22, 2007, Scott Rubin, p. 19. If the EDCs cut costs including work force and I & M routines after the Act was passed in order to increase net income, their claim that the cost to perform within the proposed draft standards is unpersuasive as they should not have been cutting reasonable inspection and maintenance costs which result in deteriorating service.

The Commission has also observed that in the year 2006, six EDCs (Met-Ed, Penelec, Penn Power, PPL, Pike County and Wellsboro) failed to achieve their rolling three-year SAIFI performance standard. SAIFI measures system-wide average frequency of outages. In 2006, three EDCs (Allegheny Power, Penelec and Penn Power) failed to achieve their rolling three-year CAIDI performance standard. CAIDI measures average duration of customer outages. On the positive side, all EDCs complied with the 12-month CAIDI performance standard and six (Duquesne Light, Penelec, UGI Electric, Citizens, Pike County and Wellsboro) of 11 EDCs performed better than their CAIDI benchmark last year, so that shows some improvement in average performance since 1997.

However, most recently, we have seen some EDCs report indices higher than their rolling 12-months ending December 31, 2007 reliability standards. Specifically, Allegheny Power reported higher indices than all three standards including: CAIDI, SAIFI and SAIDI Penn Power reported indices higher than their rolling 12-month CAIDI standard. Met-Ed and Penelec reported higher indices than their SAIFI standards. These recent reliability performance statistics also support the need for further enhancements to our regulatory efforts to ensure the level of service quality required by law. This Commission published in July, 2007 a report entitled, *Electric*

Service Reliability In Pennsylvania: 2006. Attached to this Final Rulemaking Order are excerpt tables from the report showing each EDCs' performance reliability indices and how they measured against their respective 12-month and 3-year rolling standards. See Attachment A (Table 12-Month Average Electric Reliability Indices for 2006) and B (Three-Year Average Electric Reliability Indices for 2004-2006).

On July 3, 2002, at M-00021619, this Commission's Bureau of CEEP prepared an I & M Study which was adopted by the Commission. This study found that the major causes of service outages in 2000 were attributable to equipment failure and tree-trimming related outages. Each reason accounted for about 22% of the total outages the EDCs were experiencing. This conclusion was based upon information provided to CEEP from the EDCs. These types of outages are arguably within the control of the EDCs. Both types of outages are being addressed in Annex A.⁵

The EAP have cited to industry statistics that of the tree-trimming related outages, approximately 85% at a minimum are caused by trees outside the utility right-of-way and that there is difficulty in negotiating with the landowners of said danger trees. Robert Stoyko, Vice President, Electric-Division—UGI Utilities, technical conference January 22, 2007 transcript p. 26; David E. Schleicher, General Manager Transmission/Distribution PPL Electric Utilities, Corp., p. 70. Some of the utilities negotiate with property owners to remove off-right-of-way trees posing a danger of outages. Wayne Honath, Manager, Reliability and Standards Duquesne Light Company, Transcript p. 37. PPL's presenter, David Schleicher, admitted PPL is looking at reducing their tree trimming cycle from 5 years urban and 8 years rural to 5 years across the board and they are looking at the cost per SAIDI minute of downtime to justify the expense. Transcript at p. 71.

However, we can and should balance the possible rise in operating costs for any given inspection and maintenance approach against the savings to customers in avoiding outages, especially black-outs covering multiple states, and very high numbers of outages over a longer period of time. In the Final Report on the August 2003 blackout, the Task Force concluded that the blackout, caused in part from inadequate vegetation management, had an economic cost of between \$4 billion and \$10 billion in the United States alone. Canada also sustained a partial black out. This economic impact on businesses and citizens in the United States and Canada, and approximately 55,000 residents of Pennsylvania, was significant. A business that loses power can quickly lose sales revenues and the ability to produce its product. Loss of power is a health and safety issue as well as a financial issue.

The OCA allocated the estimated \$75 million aggregate cost over the 11 EDCs operating in Pennsylvania. Putting that estimate into the context of operating budgets and maintenance budgets of \$75 to \$100 million for some of the largest utilities (those total revenues approaching or in excess of \$1 billion), the incremental cost increase did not appear to outweigh the need for I & M guidelines. Also, OCA attempted to calculate the cents per kilowatt-hour impact of the \$75 million estimate over all of the kilowatt-hours sold in Pennsylvania in 2005, and it comes out to \$.05 per kilowatt-hour, or a half a mill per

⁵ Additionally, at the January 22, 2007, technical conference, we asked the industry to provide us with their internal inspection, maintenance and repair standards prior to the Electric Competition Act of 1997. Responses to this request were received and they are incorporated in tables throughout this order regarding each individual standard.

kilowatt-hour sold. For an average residential customer using 750 kilowatt-hours per month that is \$.35 per month. Technical Conference Hearing transcript Tanya McClosky, p. 9.

Several other states have now established I & M standards in the wake of electric deregulation. On March 31, 1997, the California Public Utilities Commission adopted minimum requirements for electric distribution facilities, regarding inspection (including maximum allowable inspection cycle lengths) condition rating, scheduling and performance of corrective action, record-keeping, and reporting, in order to ensure safe and high-quality electrical service, and to implement the provisions of California's statute, Section 364 of Assembly Bill 1890, Chapter 854, Statutes of 1996. California requires annual compliance plans for the inspection and record-keeping by no later than July 1 of each year. The report identifies the number of facilities, by type which have been inspected during the previous period. It must identify those facilities which were scheduled for inspection but which were not inspected according to schedule and shall explain why the inspections were not conducted, and a date certain by which the required inspection will take place. The report also presents totals and the percentage of equipment in need of corrective action, but with a scheduled date beyond the reporting period.

California has minimum standards for three levels of inspection: (1) patrol, meaning a simple visual inspection; (2) detailed, meaning taking the equipment apart and examining each piece for inspection; and (3) intrusive, involving digging up soil to test below soil level as in inspection of poles.

California has maximum intervals of 1-2 years for transformers (patrol inspection) and 5 years for detailed inspections. Overhead conductors and cables have a maximum inspection interval of 1-2 years for patrol and 5 years for more detailed inspections. Wood poles which passed intrusive inspection have a maximum interval for intrusive inspection every 20 years. Wood poles under 15 years, just have a 1-2 year patrol interval, and wood poles over 15 years which have not been subject to intrusive inspection, 1-2 years patrol inspection plus an intrusive inspection at least once every 10 years.

On October 2, 2007, the Missouri Public Service Commission (MoPSC) filed a Proposed Rulemaking adopting 4 CSR 240-23.030—Electrical Corporation Vegetation Management Standards and Reporting Requirements. MoPSC limited the adoption of outside standards, guidelines and procedures to three times: ANSI A300 (Section (4)(A)(2)), which contains standards for vegetation management, ANSI Z133.1 (Section (4)(A)(5)), which contains guidelines for personnel safety, and the National Electric Safety Code (Section (4)(A)(9)), which contains standards for public safety.

MoPSC stated that if the authorities conflict, the EDC should file notice of the EDC's resolution for the conflict and the basis for it. Missouri addressed claims of excessive high costs to comply with proposed regulations. MoPSC altered its proposed rule to lower the cost of compliance and provided a mechanism through which utilities may record the costs associated with compliance and eventually recover the costs in rates. It stated as follows in its proposed regulation:

(4) In the event an electrical corporation incurs expenses as a result of this rule in excess of the costs included in current rates, the corporation may submit a request to the Commission for accounting authori-

zation to defer recognition and possible recovery of these excess expenses until the effective date of rates resulting from its next general rate case, filed after the effective date of this rule, using a tracking mechanism to record the difference between the actually incurred expenses as a result of this rule and the amount included in the corporation's rates, or if there is no identifiable amount included in the corporation's rates, the amount reflected in the appropriate accounts for infrastructure inspection and maintenance on the corporation's books for the test year (as updated) from the corporation's last rate case will be used to determine the amount included in current rates. In the event that such authorization is granted, the next general rate case must be filed no later than 5 years after the effective date of this rule. Parties to any electrical corporation request for accounting authorization pursuant to this rule may ask the commission to require the electrical corporation to collect and maintain data (such as actual revenues and actual infrastructure inspection expenses) until such time as the commission addresses ratemaking for the deferrals. The commission will address the ratemaking of any costs deferred under these accounting authorizations at the time the electrical corporation seeks ratemaking in a general rate case.

The Missouri Commission also provided for variances in its rulemaking. The EDCs were allowed to propose and the Commission to approve an alternative infrastructure inspection program varying from the table "Electrical Corporation System Inspection Cycles (Maximum Intervals in Years)." If the EDC can establish that the alternative inspection program has previously produced equal to or greater reliability performance than what would be produced under the rule, or that the alternative infrastructure inspection program shall produce equal to or greater reliability performance in the future than what would be produced under the rule, then a variance may be granted for good cause shown.

Missouri proposed maximum intervals of 4-6 years for patrol inspections of wood and non-wood poles and overhead structures, 12 years for detailed inspections of non-wood poles, and 12 years for intrusive inspections of wood poles. Regarding conductors, transformers, reclosers, regulators, capacitors, switching/protective devices, and street lighting, 4-6 years patrol inspections for overhead, and 8-12 years detailed inspections for overhead. Underground-direct buried and conduit had 4-6 year patrol inspections and 8-12 year detailed inspections. Manholes, vaults, tunnels and other underground structures had a 4-6 year maximum interval for patrol inspections, and an 8-12 year maximum interval for detailed inspections.

We are influenced by what states like Missouri and California are doing regarding establishing inspection and maintenance standards. Like Missouri, we find that the alternative of using a reliability-based trimming plan is reasonable under certain circumstances and we will add language to the proposed rulemaking to clarify that utilities may propose a plan that uses intervals outside the standards in lieu of a plan that adheres to the rule, but it must be explained, and the reliability indices that the EDCs are reporting as well as an EDC's prior internal I & M standards will be taken into consideration in approval or rejection of the plan. This change is reflected in subsection (c).

Regarding the issue of whether we have jurisdiction to establish standards regarding transmission lines, it is

well-settled that the Commission has concurrent jurisdiction over transmission lines with FERC. The U.S. Supreme Court in *New York v. FERC*, 535 U.S. 1 (2002), recently reiterated that no federal agency has the power to act, let alone preempt the validly enacted legislation of a sovereign state, unless Congress confers such power upon it manifesting clear Congressional intent to so preempt. 152 L.Ed. 2d at 62-63 (citation omitted). The Supreme Court has unequivocally held "States retain significant control over local matters even when retail transmissions are unbundled." *Id.* 152 L.Ed.2d at 66.

States have authority over transmission facilities constructed within their borders. States authorize the construction of the transmission facilities and issue certificates to utilities to operate them. The long-standing state authority is preserved by the Federal Power Act (FPA) and cannot be preempted by FERC's actions. Thus, this Commission is fully within its rights in establishing I & M guidelines regarding transmission lines. However, because FERC is in the process of implementing inspection, maintenance, repair and replacement standards regarding transmission wires, we elect not to exercise our concurrent jurisdiction at this time, and will not promulgate regulations regarding transmission lines.

Similar to Missouri, we will abstain from establishing I & M standards at this time regarding high voltage transmission lines in deference to the Federal government's current reliability rulemaking regarding transmission lines. This addresses IRRC's comment that the Proposed Rulemaking seemed more stringent than the FERC rule for bulk power systems of 100 kV or more. Thus, the EDCs will have more flexibility regarding tree-trimming cycles and inspection, repair and replacement intervals regarding transmission lines.

As noted previously, the Commission takes seriously the position of the industry that the I & M regulations should not mandate inspection intervals that, for a given EDC, are not prudent or would not be cost/benefit justified. However, given our obligations under law to ensure electric service reliability, the relative costs involved, and the deteriorating service performance of some EDCs in recent years, we are persuaded that flexible I & M standards should be established by this final rulemaking order. Therefore, in addition to mandating reports regarding transmission and distribution inspection and maintenance plans and the CEEP review/approval process for those plans, this rulemaking will establish flexible I & M standards based upon current industry practices. The I & M schedules will be part of each EDC's annual plan and they must be consistent with the I & M standards established in these regulations.

However, the regulations will allow the individual EDCs to deviate from the standard set forth in the regulation, provided that such deviation/alternative can be justified based on utility-specific circumstances, and a cost/benefit analysis. In this fashion, when compliance with a given I & M standard for a specific EDC would not be prudent or cost/benefit justified, the EDC may deviate from that standard provided that it can adequately justify that different I & M interval or approach. As such, the regulation will provide the leeway necessary for EDCs to avoid unnecessary costs. Further, Commission staff's initial rejection of an I & M plan in whole or in part, can be appealed to the full Commission by means of 52 Pa. Code § 5.44.

In sum, the Commission finds that using a broad set of minimum standards as proposed in the OCA's comments, will promote high quality service and reliability, as

required by law, without forcing an EDC to comply with a given I & M benchmark that is not cost/benefit justified for its particular service territory.

Finally, IRRC commented that the EDCs need an adequate time period to come into compliance with I & M standards because they will need to recruit and hire adequately trained staff. We will give the first group of EDCs until October 1, 2009, to file their first biennial plan with the Commission. The plan will cover inspection, maintenance, repair, and replacement plans for calendar years 2011 and 2012. The remaining the EDCs in a second group shall be required to file their first biennial plans on October 1, 2010. Their plans will cover inspection, maintenance, repair, and replacement plans for calendar years 2012 and 2013.

With this procedural schedule, the Commission will have enough time to review and approve the plans. Implementation of the approved plans will occur 15 months after the plan filing deadline. With this 15-month interval, if there are amendments that need to be made to the plans, the EDCs will have adequate notice before the implementation date, and can adjust their financial budgets and operational plans accordingly. The EDCs will then continue to file in staggered years, every 2 years from the date upon which they first filed. We believe this process provides adequate time to comply or explain why they cannot immediately comply with a given standard. The specific EDCs that are in Groups 1 and 2 will be defined by implementation order after this rulemaking is effective.

III. Comments Regarding Specific Sections

Section 57.192. Definitions.

IRRC commented that the definitions of rural area and urban area are problematic. Similarly, many EDCs also stated there is no need for this distinction. The EAP stated that individual EDCs may, for their own vegetation management purposes, designate distribution circuits, or portions thereof, as either "urban" or "rural"; however, there is no value in requiring all EDCs to distinguish between rural areas and urban areas, either by a population threshold of 5,000 or any other means because many distribution circuits cross between proposed urban and rural areas. One circuit may cross multiple times into rural and urban areas. Therefore the request is not practical and no other state Commission makes such a distinction.

The EAP commented that the distinction between urban and rural areas adds no value since circuits can cross many times between rural and urban areas. PPL commented that it classifies any distribution circuit that has an average of 35 or more customers per circuit mile as "urban" and those with fewer than 35 customers as rural. As of February, 2007, PPL Electric has 9,600 circuit miles of overhead urban circuits, and 17,700 circuit miles of overhead rural circuits. PPL does have different company-wide standards for vegetation management. For distribution lines, rural areas are on an 8-year trimming cycle and urban are on a 5 year cycle. Other internal standards appear to be the same for both rural and urban areas.

FirstEnergy commented that it does not believe that EDCs should be required to distinguish between rural versus urban in its plans. While systems that are rural may differ from systems that are urban, to draw distinctions based on the definitions provided in the proposed rulemaking would be arduous and costly with little to no benefit to be realized. Additionally, a single circuit can

cross between rural and urban areas multiple times. The companies do not distinguish their systems based upon the population threshold of 5,000 and FirstEnergy encourages the Commission to eliminate this designation in any final rules.

Allegheny Power commented that urban/rural census definition is not appropriate for planning transmission and distribution inspection and maintenance activities. Line equipment (reclosers, transformers, conductor, fuses, and the like) functions in the same manner regardless of an urban setting or rural setting. Inspection and maintenance practices are the same regardless of population density. Similarly, pole inspection cycles are independent of population density. Vegetation management cycles may be tailored to the needs of cities or towns. The cycle and practice differences are typically governed by agreements with individual municipalities and are independent of discrete population size boundaries. Allegheny Power has many long circuits that cross into "urban" and "rural" areas often several times. Tailoring work practices to portions of individual circuits is inefficient and does not promote improvement.

Duquesne Light sees no legitimate reason for distinguishing between urban versus rural circuits. The standards proposed for maintenance intervals are not dependent on whether the circuits are rural versus urban. Duquesne does not distinguish its plans between communities with a population of less than 5,000 people and those having a population of 5,000 or more.

Pike County commented that it does not support the urban versus rural concept. However, since the entire Pike service territory is predominantly rural and less than 5,000 customers anyway, Pike County believes it should only have to submit one plan for the whole service territory.

The OSBA commented that population density is a better measure than total population and the OSBA noted that the General Assembly is considering House Bill 2347 which would codify a uniform definition of "rural area" and by implication "non-rural area." Accordingly, the OSBA recommended the Commission revise the proposed definitions in § 57.192 to reflect HB 2347.

Disposition

Given the previous comments, we will eliminate the rural/urban definitions as only PPL appears to differentiate its standards between rural and urban areas at this time, and that is only with regard to one internal standard regarding the distribution line tree trimming practices.

Section 57.198 Inspection and Maintenance Standards

Subsection (a). This subsection states that an EDC shall have a plan for the periodic inspection and maintenance of poles, overhead conductors and cables, wires, transformers, switching devices, protective devices, regulators, capacitors, substations and other facilities critical to maintaining an acceptable level of reliability in a format the Commission prescribes. The Commission may require an EDC to submit an updated plan at any time containing information the Commission may prescribe.

IRRC states that the first sentence in § 57.198(a) is long and confusing. It contains a list of ten specific items to be included in the I & M plan and the words "other facilities critical to maintaining an acceptable level of reliability." To improve clarity, it should be enumerated. Additionally, IRRC commented that the examples of the type of equipment or facilities ought to be provided. We

will comply with IRRC's suggestion to enumerate the specific items to be included in the I & M plan. We will eliminate the phrase "other facilities."

Further, IRRC questioned when and how will the EDCs be notified of the prescribed format the Commission wants to see in the plans. Format requirements will be addressed in a Secretarial Letter that will be issued by the Commission to the EDCs prior to the date the first plan is due.

The second sentence of subsection (a) states: "The Commission will review each plan and may issue orders to ensure compliance with this section." The intent of this sentence is unclear according to IRRC and it appears to be redundant and should be deleted.

IRRC further commented that the final sentence of Subsection (a) states that the PUC "may require an EDC to submit an updated plan at any time containing information the Commission may prescribe." IRRC is unclear how and when the PUC would notify an EDC to update its plan. Under what circumstances, would it be necessary to update a plan? How would the PUC notify the EDC of the information that the PUC is prescribing be contained in the plan? After the EDC submits its updated plan, when would the PUC notify the EDC that the update was approved?

Disposition

Subsection (a) shall be revised to state:

(A) *Filing date and plan components.* Every 2 years by October 1, each EDC shall prepare and file with the Commission a biennial plan for the periodic inspection, maintenance, repair, and replacement of its facilities that is designed to meet its performance benchmarks and standards pursuant to 52 Pa. Code §§ 57.191—57.197. EDCs in compliance group 1, as determined by the Commission, shall file their initial plans on October 1, 2009. EDCs in compliance group 2, as determined by the Commission, shall file their initial plans on October 1, 2010. Each EDC's biennial plan shall cover the 2 calendar years beginning 15 months after filing, be implemented 15 months after filing, and shall remain in effect for 2 calendar years thereafter. In preparing this plan, the following facilities are critical to maintaining system reliability: (1) poles; (2) overhead conductors and cables; (3) transformers; (4) switching devices; (5) protective devices; (6) regulators; (7) capacitors; and (8) substations.

IRRC's suggested numeration is followed. We are grouping the EDCs into two compliance groups and staggering their filing deadlines to facilitate timely administrative review. The plans will cover the 2-calendar years beginning 15 months after filing because the EDCs requested the plans be amended well in advance of implementation dates so that budgets may be adjusted accordingly.

Subsection (a)(1)—Industry codes, rural and urban areas; I & M intervals

Subsection (a)(1) begins with the statement that the I & M "plan must be based on industry codes, national electric industry practices, manufacturers' recommendations, sound engineering judgment and past experience." IRRC questioned to which industry codes and national electric industry practices did the Commission refer. If the Commission meant the National Electricity Safety Code or code and practices of organizations such as the Institute of Electrical and Electronic Engineers and NERC, then the appropriate codes or organizations

should be referenced in the final-form regulation. We agree with this suggestion, and the changes shall be incorporated in § 57.198(b).

IRRC states that the phrase “sound engineering judgment” is vague since engineers may respectfully disagree on what is sound. It is IRRC’s understanding that the Commission will determine whether a plan is based on reasonable or sound engineering judgment. Hence, it will be a part of the Commission review of plans under § 57.198(h) and if the Commission identifies problems in the plan, it will notify the EDC of the plan’s deficiencies under § 57.198(j). Therefore, it is not necessary to include the words “sound engineering judgment” in the regulation, and IRRC recommends this phrase be deleted. We will adopt IRRC’s recommendation.

The final sentence in subsection (a)(1) states: “The plan must take into account the broad minimum inspection and maintenance intervals provided for in subsection (e).” IRRC questions why the word “broad” is used in this sentence. Since the provisions in new subsection (n) set very specific minimum intervals, the use of the word “broad” is confusing. The word “broad” will be deleted.

Subsection (a)(1) states that the plan shall be based on industry codes, national electric industry practices, manufacturers’ recommendations, sound engineering judgment and past experience. The plan shall be divided into rural and urban areas. The plan shall take into account the broad minimum inspection and maintenance intervals provided for in subsection (e).

AFL-CIO commented that Section 57.198(a)(1) should be revised to state:

The plan must be based on industry codes, National electric industry practices, manufacturers’ recommendations, sound engineering judgment and past experience. The plan must be divided into rural and urban areas. The plan must comply with the minimum inspection and maintenance intervals set forth in subsection (e).

The AFL-CIO believes these changes are necessary to ensure that all EDCs in Pennsylvania meet at least minimum I & M standards. EDCs should not be permitted to submit plans that do not meet these minimum requirements. The AFL-CIO advocates all EDCs must meet the minimum standards. After considering the EDCs comments regarding the increased costs, differing I & M plans and claims that reliability will not necessarily increase if mandatory minimum I & M standards are applied to large and small EDCs alike, as explained previously, the Commission will adopt minimum I & M standards, but will also include flexibility to allow EDCs to deviate from the I & M standard provided the deviation can be justified by the EDC’s unique circumstances or a cost/benefit analysis to support an alternative approach that will still support the level of reliability required by law. Accordingly, we will change the language in (a)(2), now (c) to state as follows:

The plan shall comply with inspection and maintenance standards set forth in subsection (n). However, an EDC may propose a plan that, for a given standard, uses intervals outside the Commission standard, provided that the deviation can be justified by the EDC’s unique circumstances or a cost/benefit analysis to support an alternative approach that will still support the level of reliability required by law.

The OCA commented that § 57.198, Inspection and Maintenance Standards, should be amended to state that the plan should specify all applicable hardware stan-

dards, all applicable operation standards, routine maintenance requirements, emergency maintenance plans and procedures for coordinating with other interconnected systems. We agree in part, and will add the routine inspection and maintenance requirements and emergency maintenance plans and procedures portion of OCA’s suggested specifications in the regulation at subsection (d).

The EAP commented that the EDCs need flexibility in determining when vegetation management work must be conducted. Mandating a uniform 4-year tree-trimming cycle for distribution lines accomplishes very little toward improving service reliability. The EAP commented that line clearance is a condition-based activity. Each EDC schedules tree-trimming on its circuits based upon its own individually established criteria. Typically the proximity of tree branches to the wires, the number of customers fed by the circuit, the number of tree-caused outage events recently experienced on the circuit, and the elapsed time since last trimmed are considered.

According to the EAP, trimming too soon results in wasting part of the value of the work done during the last trimming; trimming too late results in poor circuit performance. Cycle length and clearances, have less influence on service reliability, especially in regards to on-right-of-way vegetation caused service outages compared to off-right-of-way trees falling into the lines. California’s no contact requirement is not for reliability reasons according to the EAP, but rather to avoid sparking from tree contact that could cause wildfires during their dry season. EAP states that Pennsylvania does not need this requirement. Pennsylvania has drought conditions during the summer months at times also. We are persuaded to change the tree-trimming cycle standard and allow for up to 8 years for a vegetation management standard instead. This will account for the varying the EDC practices and service territory terrains. However, intervals longer than 8 years will require justification and be supported by a cost/benefit analysis.

Finally, to clarify the industry codes and practices that should be followed in developing each EDC’s plan, we have decided to change subsection (a)(1) to subsection (b) and it shall state that the plan shall be consistent with the National Electrical Safety Code, Codes and Practices of the Institute of Electrical and Electronic Engineers, FERC Regulations, and the provision of the American National Standards Institute, Inc.

Subsection (a)(2)—Adequate resources.

Subsection (a)(2) states that an EDC shall reduce the risk of future service interruptions by accounting for the age, condition, design and performance of system components and by providing adequate resources to maintain, repair, replace and upgrade the system.

IRRC asks how the Commission will determine if an EDC has provided adequate resources to maintain, repair, replace and upgrade its system. We will delete “adequate resources” from the final regulation.

The new subsection (c) shall state that the plan shall comply with inspection and maintenance standards set forth in subsection (n).

Subsection (a)(3)—Vegetation clearance program

This subsection requires that the EDC’s I & M plan “include a program for the maintenance of minimum clearances of vegetation from the EDC’s overhead transmission and distribution facilities sufficient to avoid contact under design-based conditions.” EDCs questioned

the need for this provision and called it unreasonable. Incidental contact with vegetation or tree branches does not necessarily cause outages. Given the growth of some trees, this requirement could actually force some EDCs to perform trimming annually and would greatly increase costs with no quantifiable benefit. IRRC commented that the Commission needs to explain the basis and intent for this requirement.

The Commission was concerned that vegetation contact could cause the circuit to overheat and shut off. The blackout report mentioned tree contact with transmission lines played a role in the circuits shutting down and the ultimate blackout of August 14, 2003. However, requiring the EDCs to trim trees more frequently than necessary, may end up costing the EDC and consumer more money without a substantial improvement in reliability. If there is a wider differential between electric rates in Pennsylvania than other states, that may have a negative impact on attracting or keeping businesses to operate in our state. We will remove the language "sufficient to avoid contact under design-based conditions."

PECO commented that the Commission should amend proposed Section 57.198(a) to remove subsection 3's requirement for a plan for trimming off right-of-way trees. FirstEnergy commented the phrase "may cause" is too vague and open ended when coupled with the requirement to trim off of a right-of-way. PECO has limited authority to trim or remove trees that are outside of the right-of-way.

PECO recommends adopting Connecticut's approach. PECO recommends § 57.198(a)(3) be amended to state:

The plan shall include a program for the maintenance of minimum clearances of vegetation from the EDC's overhead transmission and distribution facilities sufficient to avoid contact under design-based conditions. The plan shall include a program for the trimming of tree branches and limbs located in close proximity to overhead electric wires when the branches and limbs may cause damage to the electric wires.

The Commission will eliminate the last phrase "regardless of whether the trees in question are on or off of a right of way." We will keep the "may cause" language as it is similar to Connecticut's approach.

Subsection (a)(4)

IRRC commented that § 57.198(a)(4) refers to quarterly and annual reliability reports from an EDC. If these are the reports required by the existing provisions in §§ 57.193(c) and 57.195, then the proposed regulation should include cross-references to these existing provisions. We agree with IRRIC and will amend this section into subsection (h) such that references are made to the other sections.

Subsection (b)—Plan review process

This subsection requires EDCs to submit their initial I & M plans by October 1, 2008. The EDCs and IRRIC believe that there are not sufficient numbers of trained and experienced people available to meet the I & M schedules set forth in subsection (e). They claim it will take years to recruit and train an adequate workforce to implement the proposed regulation. If the prescriptive requirements in proposed subsection (e) are retained in the final-form regulation, the Commission should carefully examine whether the October deadline is achievable.

In consideration of these comments, the deadline will be changed to October 1, 2009, for group 1 and October 1,

2010, for group 2, and every other year thereafter to allow EDCs time to recruit and train necessary workers. IRRIC seeks clarification on the submission of the whole 1-year plan every 2 years. We will amend subsection (b) and make the plan cover the 2-calendar years that follow 15 months from the filing date. Thus, a 2-year period of plans will be covered in each Commission review. This language will be in § 57.198(a).

Subsections (b) and (c)—Designee

These subsections set forth the process for the EDCs to submit plans and revised plans for the Commission review and approval. Both subsections would allow the Commission or its designee to accept or reject the plan or revised plan. Representatives for the EDCs and IRRIC suggested that the words "or its designee" be deleted from the proposed regulation. PECO specifically commented that the Commission should also remove the language in proposed § 57.198(b) and (c) permitting the Commission's "designee" to accept or reject EDC I & M plans.

There is concern that the proposed regulation does not describe or define the designee. Another concern is that the EDCs are not given the ability to appeal or challenge decisions made by the designee. The regulation should be amended to define the designee and specify how the EDCs may appeal the designee's decision, or the term should be deleted from the final-form regulation. We have removed the phrase "the designee" and have replaced it with "the Director of CEEP" such as to be specific as to which Bureau is being given the authority vested in the Commission to make such a staff determination. Language regarding how the EDCs may appeal any determination by CEEP is in subsection (k).

IRRC commented that the Commission should set forth the update process, procedures and criteria the Commission will use in determining the need for information and plan updates, and for notifying the affected the EDC. Since we are eliminating the update process, this is no longer necessary.

Subsection (c)—Revised plans from EDCs

IRRC's comments state that proposed subsection (c) allows an EDC to revise its plan and submit it to the Commission for review. Like subsection (b), this subsection states that the Commission will have 90 days to review and accept or reject the revisions to the plan. Unlike subsection (b), however, subsection (c) contains no provision stating that the Commission will notify the EDC as to why it rejected the plan nor a provision stating that the revised plan is "deemed accepted" absent any action by the Commission within 90 days. IRRIC's comments state that these provisions should also appear in subsection (c) in the final-form regulation.

A new subsection (j) has been added to address these concerns. CEEP will be obligated to notify the EDC, in writing, of any deficiencies in the plan; the EDC will have the opportunity to file either a revised plan or an explanation as to why the plan is not deficient. Absent action by the Commission within 90 days, the revised plan is deemed to be accepted by the Commission.

Subsection 57.198(b) and (c)

PECO commented regarding subsection (b) that the Commission should remove the language permitting the Commission's designee to accept or reject the EDC's plan because it does not clearly describe the official or entity designee that will have the authority to approve or reject the plan. The regulation is too vague and could include an Administrative Law Judge or staff person. PECO is

concerned it won't be able to challenge the decision and bring the issue before the entire Commission.

IRRC commented that § 57.198(b) and (c) set forth detailed procedures and time periods for Commission review and approval of plans and revised plans. If the Commission intends to retain the ability to request that the EDCs update previously-approved plans, then a new and separate subsection clarifying this process should be added to the final-form regulation. It should set forth the process, procedures and criteria that the Commission will use in determining the need for information and plan updates, and for notifying the affected EDC. It should also include provisions similar to those in subsections (b) and (c) for Commission review and approval of plan updates.

Upon consideration of these comments, we will change the language to specify the Director of CEEP will have the authority to accept or reject the EDCs' plans. The Director's decision would constitute a staff determination that could be appealed to the Commission under 52 Pa. Code § 5.44. Staff action, under authority delegated by the Commission, will be deemed to be the final action by the Commission unless appealed to the Commission within 20 days after service of action. Petitions for appeal from the Director's action will be addressed by the Commission at Public Meeting. 52 Pa. Code § 5.44(j). If the Commission itself makes the determination, then the EDC may file a petition for reconsideration under 52 Pa. Code § 5.572 or, alternatively, file an appeal directly to Commonwealth Court. This will be addressed in subsection (k) of Annex A.

The Commission is also adding language to subsection (l) which states that an EDC may request approval from the Commission for revising an approved plan. An EDC shall submit to the Commission, as an addendum to its quarterly reliability report, prospective and past revisions to its plan and a discussion of the reasons for the revisions. Within 90 days, the Commission or the Director of CEEP will accept or reject the revisions to the plan.

Subsection (d) Recordkeeping

This subsection requires an EDC "maintain records of its inspection and maintenance activities sufficient to demonstrate compliance with" the timeframes for I & M programs set forth in subsection (e). IRRC commented that the Commission needs to provide examples of the types of records that would be "sufficient." Would this include date-stamped records signed by EDC staff that performed the tasks?

To address this concern, additional language has been added to provide examples. Receipts from independent contractors showing when and what type of inspection, maintenance, replacement and/or repair work was done is also sufficient.

Subsection (e) minimum time frames for I & M activities

This subsection sets specific Statewide minimum schedules for several different types of I & M activities including vegetation management, and inspection of poles, overhead lines and substations. IRRC comments that the EDCs contend there is no basis for setting specific minimum requirements and that they are not cost-effective.

IRRC also mentions that I & M inspection schedules or time frames for different EDCs may depend on the regions where their systems are located, the different types of plants and geography in those regions, fluctuating weather patterns, variations in equipment or infra-

structure, and other factors. IRRC commented that the Commission needs to respond to the EDCs' concerns about mandated annual foot patrol inspections of distribution lines, and the need for foot patrols when the lines run parallel to roadways and could be inspected from vehicles. The Commission agrees that foot patrols are not necessary especially since vehicle patrol carrying testing equipment is available for proper testing. We will replace the word "foot" with the word "ground." This is addressed in Annex A.

The EAP commented that by the nature of their function, electric transmission and distribution systems have thousands of parts of varying degrees of complexity and importance dispersed over a large geographic area. Maintaining systems in a cost effective manner requires maintenance programs that take into account the characteristics of component parts, the environment in which they operate, and the electrical and mechanical stresses they experience. The EDCs need flexibility to invest in technological improvements. Mandated labor-intensive programs with high costs impairs the EDC's flexibility to invest in improvements that would produce greater benefits to the consumer. For example, advancements in sensor technology has brought about smaller, more powerful sensors available at increasingly lower prices.

The rapid pace of advancement in communications has also made it possible to monitor sensors remotely and accumulate technical information at central points such as main office buildings, service centers, substations, and on poles and towers. Also, technology has improved with computer applications that should improve reliability because new systems allow the EDCs to identify more specific areas to address and then sort out the best course of action.

Allegheny Power commented that approximately 97% of its customer interruptions were caused by distribution faults of which 70% directly resulted from external events unaided by frequent inspections, such as off-rights-of-way fallen trees, vehicles hitting poles, and the like. The remaining 30% of outages include indirect effects of severe weather and other causes targeted by AP's current maintenance programs. Recloser failures made approximately 1% of total customer interruptions, overhead transformer failures were linked to approximately 1 to 1.5% of customer interruptions, poles were related to .8% of customer interruptions and underground transformers caused .25% of customer interruptions.

Allegheny Power claims the Proposed Rulemaking would increase Allegheny Power's costs by \$8.4 million and \$2 million in start up costs. The AFL-CIO and OCA proposals add an additional \$4.5 million and \$5.5 million, respectively. Allegheny Power recommends allowing NERC standards and PJM to ensure continued high reliability of transmission grids without increasing costs. Regarding substations, AP recommends eliminating the time-based I & M requirements to allow advanced analysis and technologies to be implemented. AP further recommends allowing EDCs to submit individualized cost and operationally effective I & M plans to target resources to areas in need of reliability improvements, and allow for changes to the plans as technologies are implemented.

In response to these concerns and to IRRC's concerns regarding rigid minimum standards for I & M activities, the Commission has adopted a flexible approach that will permit an individual EDC to deviate from the I & M standards set forth in these regulations provided the deviations can be justified by the EDC's unique circum-

stances or a cost/benefit analysis. This will allow implementation of these regulations to take into consideration the various differences among EDCs regarding geography, age of facilities, technologies employed and other factors that bear on the reasonable and prudent intervals that should be used for the proper inspection and maintenance of their facilities.

Lastly, for critical maintenance issues, items that threaten short-term reliability of facilities, AP is comfortable with a 30-day standard. For noncritical issues, the most effective method is to schedule repair/replacement in the following budget cycle. We agree with AP and include 30-day repair requirements to § 57.198(n)(3) and (5).

(e) *An EDC shall maintain the following minimum inspection and maintenance plan intervals.*

As stated earlier, rather than rigid minimum I & M

standards, the Commission will establish standard intervals, based on current industry practices. If however, a given EDC believes that a deviation is appropriate, it may seek to justify an alternative approach. The following are charts compiled by the Commission from data offered to the Commission by the EDCs which compare the EDC's I & M standards from 1990, 1995, 2000, to current and the claimed incremental cost of meeting the proposed standards.

The charts are followed by comments and a discussion regarding the specific (sometimes bolded) proposed language above the charts.

Proposed: 52 Pa. Code § 57.198(e)(1): *Vegetation management.* The Statewide minimum inspection and treatment cycles for vegetation management are 4 years for distribution facilities and 5 years for transmission facilities.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	No set cycle for distribution or transmission.	Distribution trim cycles in urban areas from 2 to 4 years and from 4 to 8 years in rural areas. No set cycle for transmission.	Distribution trim cycles in urban areas from 2 to 4 years and from 4 to 8 years in rural areas. No set cycle for transmission.	Four-year cycle for distribution circuits. No set cycle for transmission.	\$4,100,000
Duquesne	No established cycles.	No established cycles.	Distribution cycle > 6 years; transmission cycle > 7 years.	Actual average distribution cycle = 5.63 years; actual average transmission cycle = 7.04 years.	\$2,750,000
Met-Ed	Not readily available.	Not readily available.	Distribution cycle of 4 years; transmission cycle of 6 years. (2001)	Distribution cycle of 4 years; transmission cycle of 5 years.	NA
Penelec	Not readily available.	Not readily available.	Distribution cycle of 4 years; transmission cycle of 6 years. (2001)	Distribution cycle of 4 years; transmission cycle of 5 years.	NA
Penn Power	Not readily available.	Not readily available.	Distribution cycle of 4 years; transmission cycle of 6 years. (2001)	Distribution cycle of 4 years; transmission cycle of 5 years.	NA
PECO	Distribution practices not consistently applied; 5-year transmission cycle in 1992.	Distribution cycle of 4 years; transmission cycle of 5 years.	Distribution cycle of 5 years; transmission cycle of 5 years.	Distribution cycle of 5 years; transmission cycle of 5 years.	\$5,000,000
PPL	No company-wide standard for distribution and transmission.	Changes in policy for transmission unknown; no company-wide standard for distribution.	NA	Distribution cycles 8 years rural and 5 years urban; transmission inspected every 3 to 5 years.	\$14,300,000

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
UGI	Circuits are prioritized after inspection.	Circuits are prioritized after inspection.	Circuits are prioritized after inspection.	Circuits are prioritized after inspection.	\$2,000,000 increase in operating expenses for all categories.
Citizens'	As deemed necessary.	As deemed necessary.	As deemed necessary.	As deemed necessary.	\$20,000
Wellsboro	NA	12 years.	8 years.	8 years.	\$195,000
Pike County	Distribution—3 years.	Distribution—3 years.	Distribution—3 years.	Distribution—3 years.	NA

Regarding distribution facilities, PECO has I & M programs with varying length and it wants to retain this flexibility. Shifting to a 4-year cycle for distribution lines, will cost an additional \$4.5 to \$5 million per year with no real increase in reliability associated with that increased cost. PECO cites to Dr. Googenmoos who reviewed the National Grid System in the Northeast U.S. Dr. Googenmoos stated that a proposal to standardize the grid's vegetation management to standard right-of-way widths constitutes an inefficient use of resources, costing 30%—70% more than using site-specific prescriptions.

PECO commented that it currently employs a 5-year vegetation inspection and treatment plan for its transmission facilities based on its judgment, experience and the vegetation conditions it has observed. However, PECO submits that with regard to transmission facilities, a reasonable and appropriate approach would be for the Commission to monitor the ongoing development of transmission standards by FERC and NERC and to decline to adopt mandatory standards at this time. Recently, FERC issued a Notice of Proposed Rulemaking proposing to approve 83 of 107 reliability standards developed by NERC. Some of the regulations specifically address transmission line inspections.

PECO further commented that the Commission should allow utilities the ability to implement condition-based vegetation management programs that are not constrained by the cost inefficiencies of standardized cycles. PECO suggests the following language,

Vegetation management. As part of the plan required by § 57.198(b), an EDC shall submit a condition-based plan for vegetation management for its distribution system facilities.

FirstEnergy practices a 4-year tree trimming cycle on its distribution lines and a 5 year cycle on its transmission lines. FirstEnergy believes its cycle standard is reasonable. FirstEnergy requests Commission regulations that supersede local city, borough and other municipal ordinances that may attempt to limit tree trimming, removal of vegetation, the use of herbicides or that require stump removal, all of which are impediments to completing required and essential vegetation management in a cost effective and timely manner. Additionally, intrastate agency cooperation between the PUC, Game Commission, Department of Environmental Protection and Department of Conservation and Natural Resources would be helpful to the EDCs. Generally, FirstEnergy supports the EAP's comments which advocate eliminating a minimum vegetation standard altogether and keeping a requirement that vegetation management be addressed in the plans.

Duquesne Light commented there should not be rigid minimum intervals between vegetation maintenance periods. Pennsylvania has four distinct plant hardiness zones

defined by the United States Department of Agriculture. Because of these distinct zones, different areas of the state have different native trees which grow at different rates. Thus, varying maintenance requirements should be employed. Also, some utilities have different right-of-way maintenance widths and this influences the necessary maintenance intervals. Territories with wider right-of-way widths do not need to maintain the vegetation on the edges through pruning as frequently as those with narrower widths. Urban rights-of-way, usually within municipal rights of way, are generally narrower than those in rural areas where private property owners have granted rights. For these reasons, Pennsylvania should adopt an average cycle instead of a minimum cycle.

The Commission is attempting to balance the need for stricter vegetation management cycles for the EDCs that have had difficulty in the past meeting their reliability standards even with the stricter internal vegetation management standards, as opposed to other EDCs that have longer internal vegetation management standards, yet are more compliant in staying within their reliability standards. For example, the FirstEnergy companies have in the past violated their reliability standards, yet those companies now have 4 and 5 year tree-trimming cycles. FirstEnergy has recently been improving in its ability to stay within its reliability standards. PPL is traditionally a good performer, usually falling within its reliability standards each quarter, yet it has the longer tree-trimming interval of 8 years for distribution lines in rural areas. PPL was able to maintain its reliability benchmark between 2001 and 2005 using a 5 year urban and an 8 year rural trim cycle. Although PPL admits shorter cycles will improve reliability, ultimately, it reaches some point of diminishing return. (January 22, 2007 Technical Conference Transcript. pp. 63 and 64).

Further, other states are not as strict with a minimum 4 and 5 year tree trimming interval standard. Texas has no requirements for tree-trimming, vegetation management or right-of-way clearance, but rather is guided by the provisions of the American National Standards Institute, Inc., the National Electrical Safety Code and other national standards. Ohio has in a limited fashion asked the utilities to set their vegetation goals, and New York reviews plans for transmission-specific and EDC-specific clearance requirements and reviews the plan. Massachusetts requires tree-trimming by utilities, and then has them report the results. For these reasons, and because the incremental cost increases seem to be high if we were to stay with the 4 and 5 year vegetation management standards, we will amend the rulemaking to substitute a standard of no longer than an 8-year cycle for distribution lines and will eliminate the transmission line requirement altogether at this point.

AFL-CIO commented § 57.198(e)(1) should be revised to read:

(1) Vegetation management. The statewide minimum inspection and treatment cycles for vegetation management are 4 years for distribution facilities and 5 years for transmission facilities. In addition if a circuit experiences five or more trips during a 12-month period, it shall be scheduled for an immediate vegetation inspection. Finally, utilities are encouraged to increase the frequency of their vegetation inspection cycles if an area experiences a wetter than normal growing season.

The added language reflects the fact that vegetation management programs must be dynamically managed. An EDC should not be able to simply establish a cycle and claim that it has acted reasonably. Vegetation plans must be adapted to growing conditions and an EDC must actively respond if a circuit experiences vegetation-related problems. While we generally agree that EDCs should be encouraged to increase their frequencies of vegetation inspection cycles during wetter than normal growing seasons, an "encouragement" statement doesn't belong in a regulation. Regulations should be unambiguous rules which are objective and easy to enforce, not vague and ambiguous.

Citizens' claims it performs a trimming needs assessment on its entire system each year, and targets a 4-year trimming cycle; however, some locations are trimmed more frequently and some less frequently depending on the tree species, weather, line construction type and other factors. Wellsboro is not on a 4-year cycle and projects that a mandatory 4-year cycle will result in a 50% increase in its present right of way program budget.

Neither Citizens' nor Wellsboro project an appreciable enhancement of service reliability as a result of 4-year tree trimming cycle standards.

The OCA commented that the 4 and 5 year standards are the current cycle standards for the FirstEnergy companies. A cost/benefit analysis must look at the long-term and must take into account unquantifiable benefits of safe and reliable service. To the extent that the range of 4-5 years is unduly burdensome for the EDC, the EDC can seek a waiver from the Commission through the appropriate procedures.

Disposition

Upon consideration of these comments, we will adopt language similar to the language proposed by PECO regarding a "condition-based plan" for vegetation management. However, based on our review of industry practices statewide and reliability results, we will also establish an interval standard of between 4-8 years for vegetation management on distribution lines. If an EDC believes that an alternative interval is appropriate, it may seek to justify that deviation by its unique circumstances or a cost/benefit analysis when it submits its plan.

In addition, the Commission will monitor what the Federal Energy Regulatory Commission is doing regarding the promulgation of federal regulations regarding vegetation management around transmission lines. We will coordinate with the Department of Environmental Protection, Department of Conservation and Natural Resources and Game Commission regarding these issues.

Proposed: 52 Pa. Code § 57.198(e)(2): *Pole inspections.* Distribution poles shall be visually inspected every 10 years.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	10 years.	10 years.	12 years.	12 years.	\$700,000
Duquesne	No formal pole testing program.	Pole testing equipment acquired.	Pole testing program established; implemented on 12-15 year cycle.	Poles tested every 12-15 years; Infrared inspection every 5 years.	NA
Met-Ed	Not available.	Not available.	13 years.	13 years.	NA
Penelec	Not available.	Not available.	13 years.	13 years.	NA
Penn Power	10 years.	10 years.	As required.	As required.	NA
PECO	Variable divisional programs with 9-year target.	Variable divisional programs with 9-year target.	10 years.	Poles inspected every 10 years after 12th year.	NA
PPL	Initial inspection at 25 years; subsequent inspections from 1 to 9 years.	Initial inspection at 25 years; subsequent inspections from 1 to 9 years.	NA	Initial inspection at 25 years; subsequent inspections from 1 to 9 years.	One-time cost of \$3,000,000
UGI	10 years.	10 years.	10 years.	10 years.	See 'UGI' above.
Citizens'	No inspections performed.	No inspections performed prior to 1998.	10 years.	10 years.	NA
Wellsboro	NA	12 years.	10 years.	10 years.	NA
Pike County	None.	None.	None.	None.	\$25,000

The AFL-CIO proposes § 57.198(e)(2) should be revised to read:

(2) Pole inspections. Distribution poles shall be inspected every 10 years. Pole inspections shall include drill tests at and below ground level, a shell test, visual inspection for holes or evidence of insect infestation, a visual inspection for evidence of unauthorized backfilling or excavation near the pole, visual inspection for signs of lightning strikes, and a load calculation. If a pole exhibits 67% or less of the strength of a new pole of comparable size, then it shall be replaced within 60 days. If a pole fails the groundline (or butt) inspection, shows dangerous levels of rot or infestation, or otherwise exhibits dangerous conditions or conditions that affect the integrity of the circuit, it shall be replaced as soon as possible, but no later than 30 days.

AFL-CIO argues a visual inspection is insufficient to determine the integrity of the pole especially if 10 years lapse between inspections. Second, the regulation should set specific standards and deadlines for replacing poles that are seriously deficient or dangerous. The OCA also commented that more specifications should be added to this section and that the detailed inspection every 10 years should include drill tests at and below ground level, a shell test, a load calculation, visual inspection for holes, evidence of insect infestation, evidence of unauthorized backfilling or excavation, lightning strikes and other problems. Poles with major deficiencies should be replaced within 60 days according to the OCA.

Duquesne Light commented that it can agree to visually inspect poles every 10 years. PECO also commented that it does not oppose this inspection standard. The EAP argues increased pole inspections do not increase reliability because there is no causal relationship between increased frequency of pole inspections and reliability and customer service outages due to pole failures are extremely rare. The EAP states that the proposed 10-year cycle for pole inspection will increase the cost of electricity yet will have no impact on electric service reliability. The EDCs and their customers would experience \$4.4 million of increased costs annually if the proposed 10-year inspection requirement is adopted. I & M cycle times are EDC and region specific and also vary by the type of pole and initial preservation treatment. Therefore, the EAP argues, the EDCs should be permitted to develop their own cycles for inspection of utility poles.

West Virginia has rules governing pole inspection. However, inspections are to be done with reasonable frequency. Kentucky requires a utility to construct and maintain its plants and facilities in accordance with good accepted engineering practices. The Kentucky Commission also adopted national standards including NESC ANSI-C-2, National Electric Code ANSI-NFPA-70, American National Standard Code for Electricity Metering

ANSI-C-12-1, USA Standard Requirements for Instrument Transformers ANSI-Standard C.57.13 National Electrical Code. The EAP suggests following the lead of West Virginia and Kentucky if we want to mandate pole inspections.

PPL's' General Manager—Transmission/Distribution, David E. Schleicher, P. E., testified that new Southern Yellow Pine (SYP) creosoted utility poles do not need as frequent tests as other poles like Penta and CCA initially. He stated the SYP creosoted pole needed an initial test at 25 years, and other poles needed testing initially every 10 years, then subsequently 1-9 years afterwards based upon the results of the prior year's testing. (January 22, 2007 Technical Conference Transcript, p. 60.) The Commission agrees that the inspection should be more than a visual one, and the Commission will incorporate some OCA's and the AFL-CIO's proposed language, but given PPL's testimony and EAP's comments, we will lengthen the general standard for wooden poles to be a range from 10-12 years.

Disposition

Upon consideration of these comments, we will amend the 10 years interval standard to allow for the creosoted pole to be inspected initially at 25 years to account for the new poles that are being installed by PPL and which do not need inspection for the first 25 years. We will add in language such that distribution poles shall be inspected at least as often as every 10-12 years except for the new SYP creosoted utility poles which shall be initially inspected within 25 years, then within 12 years annually thereafter.

The Commission will also include language that pole inspections shall include drill tests at and below ground level, a shell test, visual inspection for holes or evidence of insect infestation, a visual inspection for evidence of unauthorized backfilling or excavation near the pole, visual inspection for signs of lightning strikes and a load calculation. If the pole fails the groundline inspection, shows dangerous conditions or conditions affecting the integrity of the circuit, it shall be replaced within thirty days of the date of inspection.

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Aerial patrols twice-year on 345 kV to 500 kV; annually for all other voltage levels. All patrols performed aerially.	Aerial patrols twice-year on 345 kV to 500 kV; annually for all other voltage levels. All patrols performed aerially.	Aerial patrols for all transmission voltages minimum of once per year; comprehensive patrol for 345-500 kV every 5 years and for 100—230 kV every 10 years.	Aerial patrols for all transmission voltages minimum of once per year; comprehensive patrol for 345-500 kV every 5 years and for 100—230 kV every 10 years.	\$1,450,000
Duquesne	No VM aerial or foot patrols.	No VM aerial patrols; no thorough transmission line inspections for VM-related issues.	No VM aerial patrols; VM inspections > 7 years.	Lines > 200 kV aerially inspected 2 times per year; lines 200 kV and below aerially patrolled once a year.	\$600,000
Met-Ed	Not available.	Not available.	Annual.	Annual.	\$360,000 for the 3 FE companies
Penelec	Not available.	Not available.	Annual.	Annual.	See above.
Penn Power	Every 4 months.	Every 6 months.	Every 6 months.	Every 6 months.	See above.
PECO	Aerial inspections twice a year; foot inspections every 3 years.	Aerial inspections twice a year; foot inspections every 3 years.	Aerial inspections twice a year; foot inspections every 3 years.	Aerial inspections once a year; annual ground patrol for areas not accessible to helicopter.	NA
PPL	Uncertain.	Uncertain.	NA	Annual "quick fly-over annually; aerial inspections every 4 years; ground inspections every 4 years.	\$12,000,000
UGI	Annual.	Annual.	Annual.	Annual.	See 'UGI' above.
Citizens'	No transmission.	No transmission.	No transmission.	No transmission.	NA
Wellsboro	No transmission.	No transmission.	No transmission.	No transmission.	NA
Pike County	No transmission.	No transmission.	No transmission.	No transmission.	NA

AFL-CIO commented § 57.198(e)(3) should state:

(3) Overhead line inspections.

(i) Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery.

(ii) Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery.

(iii) Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. A visual inspection shall include checking for rust, dents or other evidence of contact, leaking oil, broken insulators, and any other conditions that may affect operation of the transformer.

(iv) Above-ground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. An inspection shall include, as appropriate, checking for rust, dents or other evidence of contact, leaking oil, installation of fences or shrubbery that could affect access to and operation of the transformer, and unauthorized excavation or changes in grade near the transformer. In addition, the load on each transformer shall be calculated at least once every 2 years.

(v) Reclosers in the distribution system shall be inspected and tested at least once per year.

(vi) The integrity of transmission towers shall be inspected and tested at least once every 25 years.

The AFL-CIO argues these previous underlined changes are necessary to improve the reliability of the regulation by adding subparagraphs for each type of facility and clarification.

The OCA had similar comments to AFL-CIOs regarding this section. The OCA believes transmission lines and all

attached equipment should be inspected aerially twice per year in the spring and fall and if problems are found that affect the integrity of the circuits, they should be repaired or replaced within 30 days from discovery. The OCA requests distribution lines undergo a detailed inspection every 5 years including infrared scanning. The OCA wants the load on transformers to be calculated at least once every 2 years and if problems are found, then the equipment should be repaired or replaced within 30 days from discovery. The OCA agrees reclosers should be tested at least once per year, but the OCA recommends adding the requirement that if problems are found that affect the integrity of the equipment, they should be repaired or replaced within 30 days from discovery. The OCA adds requirement subparagraph (vi) which states as follows:

(vi) Other critical Facilities shall be tested and inspected either annually or every 2 years. Switches shall be inspected and tested annually. Relays, sectionalizers, and vacuum switches shall be inspected and tested every 2 years. If problems are found that affect the integrity of the equipment, they shall be repaired or replaced within 30 days from discovery.

Comments of OCA, November 6, 2006.

Finally, OCA commented § 57.198(e)(4) should state:

(4) Substation inspections and repair. Substation equipment, structures and hardware shall be inspected monthly. An inspection that includes infrared scanning shall be conducted annually. Substation circuit breakers should undergo operational testing at least once per year, diagnostic testing at least once every 4 years, and comprehensive inspection and maintenance on a 4-year cycle. Deficiencies identified should be repaired or addressed within 30 days if serving transmission lines and within 60 days if serving distribution lines.

PPL commented that overhead equipment failure caused the most outages in 2006. It argues the I & M standards should be customized for each EDC to account for its unique asset structure, service area, technological sophistication, and performance. It should also easily adapt over time to changing technology, work methods, costs and structures. PPL suggests EDCs should be divided into two groups, each submitting custom plans in alternate years. The Commission would review and identify changes if necessary. Any approved plan would set the standards for that particular EDC. The Commission would then enforce compliance with the approved plan as well as compliance with reliability standards. We do not see any need to split the EDCs into two groups. Staff can review the plans as they are submitted on October 1 of each year.

Senator Tomlinson commented that requiring two men to walk a transmission line, or aerial overviews of lines appears to be cost-prohibitive and unduly burdensome. Further, the Senator urged the Commission to consider revising its standards and mandated time cycles. To take the regulation from no mandated cycles to highly restrictive standards seemed to be too restrictive to the Senator.

Duquesne Light commented that aerial inspection of transmission lines on an annual basis is sufficient. If significant events occur such as major storms, aerial inspections may be performed more frequently than annually. Duquesne performs biannual aerial inspections on transmission lines greater than 200 kV and critical circuits, while transmission lines below 200 kV are aerially inspected once a year, and it is sufficient to locate and repair problems.

Duquesne Light further commented that the Commission should question whether it has full authority to regulate reliability standards for transmission. NERC and FERC have been very active with transmission reliability and Pennsylvania's standards for transmission reliability are inconsistent with FERC's proposed regulations. Further, newer transmission lines are less in need of annual inspections than older lines. A minimum standard does not account for this and unnecessary costs will be expended to annually inspect the new lines. PECO's 5-year plan for distribution lines falls within the Commission's new proposed guidelines of 4-8 years. We will decline to regulate inspection cycles on transmission lines at this time and will monitor FERC's Advanced Proposed Rule-making regarding transmission lines.

PECO commented that the Commission should decline to adopt mandatory I & M regulations relating to transmission lines. PECO currently inspects its transmission lines by aerial patrol once a year, in the spring, and this is supplemented by a ground patrol by foot or vehicle in areas that cannot be inspected by air or that need follow-up. PECO believes that inspecting twice a year is unnecessary and would not increase the reliability of the transmission line system and instead would only result in a significant increase to its transmission inspection costs.

Disposition

Upon consideration of these comments, we will decline to promulgate a standard regarding transmission lines and will monitor FERC's rulemaking proceeding at this time. Although we believe we have jurisdiction to create inspection, maintenance, repair and replacement standards regarding transmission lines, FERC has a rule-making underway addressing these issues. However, we would still like the EDCs to include their I & M plans with their tree-trimming cycles and other inspection and maintenance cycles detailed with regard to transmission lines just so that we may monitor I & M efforts in Pennsylvania.

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Inspected every 10 years.	Inspected every 10 years.	Inspected every 12 years.	Inspected every 12 years.	\$1,500,000
Duquesne	No formal inspection program.	No formal inspection program.	Infrared inspection on a 5-year cycle.	Infrared inspection on a 5-year cycle.	\$750,000 + initial investment of \$300,000
Met-Ed	Not available.	Not available.	Not available.	Not available.	\$1,950,000 for the 3 FE companies
Penelec	Not available.	Not available.	Not available.	Not available.	See above.
Penn Power	Not available.	Not available.	Not available.	Not available.	See above.
PECO	Variable divisional programs with 1 year target.	Variable divisional programs with 1 year target.	Drivable portion patrolled every year.	Ground patrol inspection using thermography every 2 years; areas not accessible by vehicle inspected by foot patrol.	NA
PPL	As required.	As required.	NA	No fixed interval; based on CPI.	Included in transmission line cost.
UGI	NA	NA	NA	NA	See 'UGI' above.
Citizens'	Annually.	Annually.	Annually.	Annually.	NA
Wellsboro	NA	5 years.	5 years.	3 years.	\$88,000
Pike County	No foot patrol; infrared inspection annually for 3-phase and 3 years for other lines.	No foot patrol; infrared inspection annually for 3-phase and 3 years for other lines.	No foot patrol; infrared inspection annually for 3-phase and 3 years for other lines.	No foot patrol; infrared inspection annually for 3-phase and 3 years for other lines.	\$55,000

Overhead line inspections distribution—foot patrol annually and transmission aerially twice per year and foot patrol every 2 years.

The EAP claims inspection costs would increase by \$12 million annually, due to the necessity of more frequent inspections. The distribution line inspection under the proposed regulation would cost \$4.6 million above present practices, and the above chart roughly supports that assertion.

The EAP claims that the current inspection and maintenance programs on overhead distribution lines utilized by Pennsylvania EDCs work well to both find and fix the problems. They focus on identifying deterioration of facilities, encroachment on the lines by property owners and vegetation, and finding damage to equipment that has not resulted in a service outage. Most equipment or material-related failures are caused by internal deterioration that is not readily determined by visual means. Many equipment failures are caused by lightening strikes, high winds, or other severe weather events that cause flash-overs or through-faults at the time of the event. These failures will not be decreased by increasing frequency of visual inspections. Therefore, the EDCs wish to retain their individual inspection cycles for distribution lines.

Duquesne Light commented that annual foot patrols are extremely time consuming, expensive and labor intensive. Duquesne has over 7,000 miles of lines traversing varying terrain, and that amount is very small in comparison with other utilities in the state. Annual foot patrols are not relevant to Duquesne. The PUC should encourage the use of intelligent automated distribution

components that have self-diagnostic capabilities and can be monitored remotely. Duquesne agrees that 30 days from discovery is a reasonable length of time within which to repair a known problem found during an inspection that can affect the integrity of the system subject to certain conditions, i.e. scheduling line outages for repair work must be coordinated with PJM, and the like.

PECO commented that the Commission should not adopt the distribution line inspection requirement because PECO already maintains and inspects its distribution system in compliance with all requirements of the National Electric Safety Code and the Commission should defer to the Code. PECO uses a ground patrol every 2 years that includes visual and thermographic inspection of its system. The thermographic computer equipment determines where hot spots are on the distribution lines, transformers and electrical connections. PECO believes that more frequent measurements would not measurably improve the reliability of the systems.

Disposition

Upon consideration of these comments, we are persuaded to change the annual standard to a 1-2 year requirement because most of the EDCs do not inspect annually, and some only use thermography, instead of foot patrol. If critical maintenance problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery.

An inspection shall include checking for broken insulators, conditions that may affect operation of the overhead

transformer, and other conditions that may affect operation of the overhead distribution line.

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than

30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year. Since the bolded portion above seems to cause no immediate problems, it will remain in the regulation.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Hazardous conditions repaired as soon as possible; problems without near-term consequences scheduled within following budget cycle.	Hazardous conditions repaired as soon as possible; problems without near-term consequences scheduled within following budget cycle.	Hazardous conditions repaired as soon as possible; problems without near-term consequences scheduled within following budget cycle.	Hazardous conditions repaired as soon as possible; problems without near-term consequences scheduled within following budget cycle.	NA
Duquesne	Serious problems were corrected when funding and resources were available.	Serious problems were corrected when funding and resources were available.	Serious problems generally corrected within 6 months; no standard for timely action.	Serious problems corrected within 30 days; no standard for timely action on lower priority issues.	NA
Met-Ed	No response.	No response.	No response.	No response.	Unknown.
Penelec	No response.	No response.	No response.	No response.	Unknown.
Penn Power	No response.	No response.	No response.	No response.	Unknown.
PECO	No response.	No response.	No response.	No response.	NA
PPL	Critical problems immediately addressed; others combined with other work; transmission problem schedule based on severity.	Critical problems immediately addressed; others combined with other work; transmission problem schedule based on severity.	Critical problems immediately addressed; others combined with other work; transmission problem schedule based on severity.	Critical problems immediately addressed; others combined with other work; transmission problem schedule based on severity.	NA
UGI	No response.	No response.	No response.	No response.	See 'UGI' above.
Citizens'	No response.	No response.	No response.	No response.	NA
Wellsboro	No response.	No response.	No response.	No response.	NA
Pike County	No standard.	No standard.	No standard.	No standard.	NA

EAP claims that placing a 30 day limitation for repair will not improve reliability because it will not accelerate the repair of urgent problems; conversely, it will increase cost and decrease resource flexibility for work crews by placing artificially short time schedules on noncritical repairs. The EDCs should retain the ability to determine the urgency of repair and to schedule resources accordingly.

Disposition

If critical maintenance problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Therefore, the Commission will adopt some of the AFL-CIO's language and incorporate it into subsection (n)(5) because

without some repair deadlines, the regulation has less meaning.

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Inspected in conjunction with circuit inspection.	Inspected in conjunction with circuit inspection.	Inspected in conjunction with circuit inspection.	Inspected in conjunction with circuit inspection.	Additional cost included in foot patrol.
Duquesne	No formal inspection program.	No formal inspection program.	Infrared inspection on a 5-year cycle.	Infrared inspection on a 5-year cycle.	NA
Met-Ed	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	Included in line inspection.
Penelec	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	Included in line inspection.
Penn Power	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	Included in line inspection.
PECO	Variable divisional programs with 1 year patrol target.	Variable divisional programs with 1 year patrol target.	Drivable portion patrolled every year.	Inspected as part of 2 year distribution line inspection.	NA
PPL	Uncertain.	Uncertain.	NA	No fixed interval.	NA
UGI	NA	NA	NA	NA	See 'UGI' above.
Citizens'	Annually.	Annually.	Annually.	Annually.	NA
Wellsboro	NA	5 years.	5 years.	5 years.	Included in line inspection.
Pike County	Annual infrared inspection for 3-phase; 3 years for other lines.	Annual infrared inspection for 3-phase; 3 years for other lines.	Annual infrared inspection for 3-phase; 3 years for other lines.	Annual infrared inspection for 3-phase; 3 years for other lines.	\$15,000

Inspection of overhead distribution transformers annually

The EAP opposes a uniform standard for the annual inspection of pole mounted distribution transformers. Increasing visual inspection of overhead distribution transformers will not increase customer service reliability according to the EAP. The EDCs' current inspection programs uncover few transformer problems. Overhead transformer failures typically affect only a few customers.

The EAP alleges that increasing the frequency of inspection will not produce significant additional reliability benefits but will greatly increase costs and divert resources that could be used for the EDCs' maintenance programs that yield greater reliability benefits. Many transformer failures result from causes that occur right before the failure, such as lightening, or storm-related faults on secondary/service conductors. Annual visual inspections will not decrease the number of these events and will increase costs by approximately \$2.9 million annually. Therefore, EAP argues the EDCs should be allowed to continue to inspect overhead transformers using their current schedule.

Disposition

The Commission is not entirely persuaded by the EAP's argument. We believe it is a reasonable requirement that when the distribution lines are inspected every 1-2 years,

that as part of that inspection, distribution pole transformers are also inspected. The incremental cost for this was already included in the line inspection estimates for most of the EDCs anyway. As we have decreased the minimum inspection standard from annually to biennially, the costs for the overhead transformer inspections diminish.

A visual inspection of distribution transformers shall include checking for rust, dents or other evidence of contact, leaking oil, and any other conditions that may affect operation of the transformer. This language as proposed by the AFL-CIO will be incorporated in Annex A under subsection (n)(6).

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Inspected every 6 years.	Inspected every 4 years.	Inspected every 5 years.	Inspected every 5 years.	\$100,000
Duquesne	Network underground transformers inspected semi-annually.	Network underground transformers inspected semi-annually.	Network underground transformers inspected annually.	Network underground transformers inspected annually.	\$450,000
Met-Ed	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	\$1,200,000 for the 3 FE companies
Penelec	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	See above.
Penn Power	Every 4 years.	Every 4 years.	Every 6 years.	Every 6 years.	See above.
PECO	Inspected following report of unusual condition.	Inspected following report of unusual condition.	5-year inspection cycle.	5-year inspection cycle.	NA
PPL	Uncertain.	Uncertain.	NA	No fixed interval for pad-mounted; vaults inspected every 6 months.	NA
UGI	NA	NA	NA	NA	See 'UGI' above.
Citizens'	Annually.	Annually.	Annually.	Every 4 years.	\$25,000
Wellsboro	NA	5 years.	5 years.	5 years.	\$15,000
Pike County	None.	None.	None.	None.	\$10,000

Inspection of pad-mounted or below-grade transformers every 2 years.

The EAP opposes a standard for the inspection of pad-mounted and below-grade transformers every 2 years. Current inspection programs for this equipment are sufficient to maintain this equipment in a reliable fashion. Increasing the frequency of inspection of these devices will not significantly improve customer service reliability and will increase cost by approximately \$4.0 million annually. The EAP argues the EDCs should retain the ability to establish inspection programs for pad-mounted and submersible equipment to optimize use of inspection resources and customer service reliability.

Duquesne Light commented that nothing can be determined by visually inspecting a transformer, other than an occasional oil leak. Almost all of Duquesne's transformer failures are the result of thermal overload, which cannot be detected by visual inspection. It is better to analyze transformer capacity when there is a change in service to customers, such as the addition of new load or during periods of high heat when there is more stress on the system. It is nearly impossible to inspect below-ground transformers according to Duquesne Light because they are submersible or in vaults and inspection problems surface regarding confined space rules and the availability of trained personnel.

PECO believes the Commission should not adopt the proposed regulation's 2-year inspection requirement for pad-mount and underground transformers. PECO states that they have an approximate failure rate of once every 100 years. PECO currently inspects pad-mount transformers every 5 years and underground transformers every 6 years. These cycles are more than sufficient to maintain transformer reliability. PECO suggests amending the proposed regulations to state: Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a cycle of 8 years or less.

Disposition

The Commission recognizes that a pad-mounted transformer and below-ground transformer are generally less likely to be struck by lightning and malfunction than a pole transformer. Therefore, we will adopt in part PECO's suggestion. The standard for inspecting a pad-mounted transformer will be a minimum interval of every 5 years, and the standard for inspecting a below-ground transformer will be a minimum interval of every 8 years or less.

Equipment failure is a major cause of outages, and the benefit to the customers in having these pad-mounted and underground transformers inspected every 5 or 8 years is of great value as we believe it will lead to fewer outages and less duration of average outages. If the EDC wants to exceed the standard, it may request so in writing with its plan and explain why that type of interval should be allowed and submit a cost/benefit analysis to support its claim. Otherwise, above-ground pad-mounted transformers and below-ground transformers shall be inspected on a 5-year and 8-year cycle respectively.

An inspection shall include checking for: 1) rust, dents or other evidence of contact; 2) leaking oil; 3) installation of fences or shrubbery that could affect access to and operation of the transformer; and 4) unauthorized excavation or changes in grade near the transformer.

Proposed: 52 Pa. Code § 57.198(e)(3): *Overhead line inspections.* Transmission lines shall be inspected aerially twice per year in the spring and fall. Transmission lines shall be inspected on foot every 2 years. Distribution lines shall be inspected by foot patrol a minimum of once per year. If problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery. Overhead distribution transformers shall be visually inspected annually as part of the distribution line inspection. Aboveground pad-mounted transformers and below-ground transformers shall be inspected on a 2-year cycle. Reclosers shall be inspected and tested at least once per year.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>Current</i>	<i>Incremental Cost</i>
Allegheny	Inspected every 3 years.	Inspected every 3 years.	Inspected every 5 years.	Inspected every 5 years.	\$2,000,000 + \$2,000,000 startup
Duquesne	Condition-based maintenance on 23 kV Reclosers on 1-year cycle; single phase 4 kV reclosers not tested.	Condition-based maintenance on 23 kV Reclosers on 1-year cycle; single phase 4 kV reclosers not tested.	Condition-based maintenance on 23 kV reclosers on 1-year cycle; single phase 4 kV reclosers not tested.	23 kV reclosers w/o self-monitoring systems inspected on 1-year cycle; no planned maintenance for modern reclosers; single phase 4 kV reclosers not tested.	\$85,000
Met-Ed	Oil reclosers—oil test on 5-year cycle; overhaul on 9-year cycle.	Oil reclosers—oil test on 5-year cycle; overhaul on 9-year cycle.	Oil reclosers—oil test on 5-year cycle; overhaul on 9-year cycle.	Oil reclosers—oil test on 5-year cycle; overhaul on 9-year cycle.	\$1,600,000 for the 3 FE companies
Penelec	NA	NA	Visual and battery test inspection on 4 year cycle.	Visual and battery test inspection on 4 year cycle.	See above.
Penn Power	Annual field inspection and complete shop inspection performed based on number of fault operations.	Annual field inspection and complete shop inspection performed based on number of fault operations.	Annual field inspection and complete shop inspection performed based on number of fault operations.	Annual field inspection and complete shop inspection performed based on number of fault operations.	See above.
PECO	Variable divisional programs with 1 year target.	Variable divisional programs with 1 year target.	2-year inspection cycle.	Inspection cycles range from 1 to 4 years, depending on type.	NA
PPL	6-year replacement cycle.	8-year replacement cycle.	NA	10-year replacement cycle.	NA
UGI	5 years/100 operations.	5 years/100 operations.	5 years/100 operations.	5 years/100 operations.	See 'UGI' above.
Citizens'	Manufacturer's recommendations.	Manufacturer's recommendations.	Manufacturer's recommendations.	Manufacturer's recommendations.	\$15,000
Wellsboro	NA	6 years.	6 years.	5 years.	\$35,000 + \$140,000 for purchase of add. OCRs.
Pike County	Visual inspection quarterly; tested semi-annually.	Visual inspection quarterly; tested semi-annually.	Visual inspection quarterly; tested semi-annually.	Visual inspection quarterly; tested semi-annually.	NA

Inspection and testing of reclosers once per year

The EAP agrees with the need for individual programs for inspection and testing of reclosers, but it does not agree with the proposed regulation mandating this work be done on all reclosers on a 1 year cycle. The EAP claims that improvements in technologies and communications are resulting in the development of intelligent reclosers that specifically do not require time-based inspections. Some EDCs are also adopting condition based maintenance practices for their equipment, that are based on operating cycles and other "wear and tear" independent of the time in-service.

The amount of wear that a recloser experiences is related to the frequency of operation and ambient weather conditions rather than to the duration of instal-

lation. A newly installed recloser will have a trip frequency based on the number of faults on the line that it protects, rather than on the length of time that the recloser is installed. During the course of a year, due to changes in severe weather and other external causes, this recloser may not trip at all, or it may trip several times. Reclosers that meet their manufacturer's recommended fault duty in 1 year are extremely rare. Initiating a 1-year testing standard would cause the EDCs to routinely spend resources inspecting and testing reclosers that are in new or nearly new condition. According to the EAP, the additional cost of recloser inspection and testing to the EDC is estimated to be approximately \$14.0 million annually.

Duquesne Light states that the 4 kV hydraulic reclosers cannot be inspected and tested without their complete

removal from the distribution system and their transportation to the utility shop for inspection and testing. There is no portable test available to confirm function with the reclosers in place. This proposed annual testing would be very expensive. If the proposed recloser inspection and testing standard were to be adopted, Duquesne believes many utilities would use fuses instead of reclosers due to the cost of removal for inspection and testing. Fusing would decrease reliability and would be an unintended outcome.

Citizen's and Wellsboro question the need for standards regarding reclosers as well. Each company tailors its plan to the equipment and needs of the specific territory. Even for two EDCs of similar size, the maintenance practices differ due to other factors such as age and type of equipment, terrain, and weather variations. Further, because the number of reclosers operations that occur is small between testing intervals, some reclosers may not need retesting on an annual basis as per the manufacturer's specifications regarding testing and maintenance.

PECO does not support annual testing of all reclosers because they are not manufactured equally. There are different types and each has a different industry standard/best practices inspection and testing schedule.

PECO tests oil-insulated reclosers every 2 years and solid-dielectric-insulated reclosers every 4 years consistent with the industry practice for these reclosers. To test all reclosers once per year would be a waste of resources, especially single phase reclosers, which are simple, self-contained devices mounted high on poles in the zone of the primary wires. Manufacturers do not recommend frequent testing of single-phase reclosers. PECO recommends amending the subsection as follows:

Three-phase reclosers shall be inspected on a cycle of 8 years or less. Single-phase reclosers shall be inspected as part of the EDC's individual distribution line inspection plan.

Disposition

Upon consideration of these comments, we are persuaded by the EDC commenters to amend this section in the interest of not wasting resources. Three-phase reclosers shall be inspected on a cycle of 8 years or less. Single-phase reclosers shall be inspected as part of the EDC's individual distribution line inspection plan. This requirement will be incorporated under subsection (n)(7).

Proposed: 52 Pa. Code § 57.198(e)(4): *Substation inspections.* Substation equipment, structures and hardware shall be inspected monthly.

<i>Company</i>	<i>1990</i>	<i>1995</i>	<i>2000</i>	<i>2005</i>	<i>Incremental Cost</i>
Allegheny	Monthly for EHV substations; quarterly for others.	Monthly for EHV substations; quarterly for others.	Monthly for EHV substations; quarterly for others.	Monthly for EHV substations; quarterly for others.	\$900,000
Duquesne	Monthly inspections.	Monthly inspections.	Monthly inspections.	Monthly inspections.	NA
Met-Ed	Monthly inspections.	Monthly inspections.	Monthly inspections.	Monthly inspections.	NA
Penelec	Monthly inspections.	Monthly inspections.	Monthly inspections.	Monthly inspections.	NA
Penn Power	Monthly inspections.	Monthly inspections.	Monthly inspections.	Monthly inspections.	NA
PECO	Monthly inspections.	Monthly inspections.	Monthly inspections.	Every 5 weeks.	NA
PPL	Critical—weekly; non-critical—monthly.	Critical—weekly; non-critical—quarterly.	NA	Critical—weekly; non-critical—monthly.	\$2,200,000
UGI	230 kV—semi-monthly; 69 kV—semi-monthly.	230 kV—semi-monthly; 69 kV—monthly.	230 kV—semi-monthly; 69 kV—monthly.	230 kV—semi-monthly; 69 kV—monthly.	See 'UGI' above.
Citizens'	Monthly inspections.	Monthly inspections.	Monthly inspections.	Monthly inspections.	NA
Wellsboro	NA	Bi-monthly.	Monthly.	Monthly.	NA
Pike County	Monthly.	Monthly.	Monthly.	Monthly.	NA

Substation equipment, structures and hardware shall be inspected monthly.

The EAP disagrees with a requirement for monthly substation inspections and claims that this new requirement would add about \$3.3 million annually in EDC operating cost on a Statewide basis. Current inspection programs are claimed to be sufficient to provide reliable substation operation. The EDCs have studied results of more frequent inspections and have found little benefit in

inspecting stations more frequently. All EDCs have routine cycles for inspecting substation equipment. These inspections are more rigorous than a visual inspection. Very few customer outage incidents occur because of substation equipment failure that would have been detectable prior to their occurrence by a routine visual inspection.

However, Duquesne Light agrees and supports the requirement that substation equipment structures and

hardware be inspected monthly because of its potential impact on reliability and safety, should be inspected monthly.

Allegheny Power claims its substation-related outages have very little impact on customer reliability, historically approximately 1% of all outages. Allegheny Power claims frequent inspections were not producing reliability benefits, and the proposed standard would cost an additional \$900,000 each year. Allegheny claims the AFL-CIO and OCA proposals add additional annual costs of \$3.9 million and \$5.4 million, respectively and that their plans offer insignificant opportunity for increased customer reliability and deter the use of advanced tools that can reduce the need for inspection. Allegheny believes rigid repair standards and time frames will increase the costs or possibly decrease reliability.

AFL-CIO agrees with the EDCs that it is neither feasible nor required to test substation breakers on a monthly basis, but AFL-CIO requests the regulations establish a reasonable inspection, maintenance and testing cycle for these facilities.

PECO commented that it inspects its substation equipment every 5 weeks and that this is sufficient. Shortening the period to 4 weeks, while minor, would significantly increase PECO's inspection costs without any measurable increase in reliability. Accordingly PECO recommends it be amended as follows:

§ 57.198(e)(4) Substation inspections. Substation equipment, structures and hardware shall be inspected on a cycle of 5 weeks or less.

AFL-CIO proposes 52 Pa. Code § 57.198(e)(4) should be revised to state:

(4) Substation inspections. Substation equipment, structures and hardware shall be inspected monthly. Substation circuit breakers shall undergo operational testing at least once per year, diagnostic testing at least once every 4 years and comprehensive inspection and maintenance on a 4-year cycle.

Disposition

Based on our consideration of the comments and current industry practices we will allow for a range of 5 weeks as the standard interval. Thus, we will adopt PECO's suggested language in Annex A, at 52 Pa. Code § 57.198(n)(8). Also, we note that PPL failed to explain why their alleged incremental cost would be \$2.2 million when they state they do critical substation inspections weekly and noncritical monthly inspections already.

AFL-CIO's new proposal for other inspection requirements.

The AFL-CIO proposes a new § 57.198(5) to state:

(5) Other inspection requirements.

(i) Group-operated line switches shall be inspected and tested annually.

(ii) Relays shall be inspected and tested every 2 years.

(iii) Sectionalizers shall be inspected and tested every 2 years.

(iv) vacuum switches shall be inspected and tested every 2 years.

(v) underground vaults with larger connections (750 Mcm or larger) shall be visually inspected and thermo-vision tested for hot spots annually. In addition, vaults of any size that serve schools, hospitals,

public buildings, or residences shall be visually inspected and cleaned once per year.

Each of these provisions was recommended by AFL-CIO in response to the Advance Notice of Proposed Rule-making. The Commission did not include them in the NOPR and did not discuss reasons for their exclusion. AFL-CIO submits that these additional inspection, maintenance, and testing requirements are necessary to ensure the safety and reliability of electric service.

Disposition

Upon consideration of this proposal, we are not persuaded this level of detail is required at this time in order to ensure service reliability does not deteriorate. The EDCs can explain to this level of detail, but it is not required.

Automatic penalties

Finally, AFL-CIO requests automatic penalties when an EDC fails to repair or replace critical or dangerous facilities within a stated period of time. Failing to repair dangerous conditions or replace dangerous and defective equipment poses a danger to utility workers and the public. AFL-CIO recommends civil penalties of \$1,000 per day for each day that the violation continues after the mandated repair interval, as authorized by 66 Pa.C.S. § 3301. AFL-CIO recommends, therefore, the addition of a new subsection to § 57.198 to state penalties for noncompliance are such that if an EDC fails to repair or replace defective poles, transmission circuits or distribution circuits within a certain time frame, the EDC shall be subject to automatic penalty of \$1,000 per day for each day the violation continues.

Disposition

Upon consideration of this proposal, we decline to impose automatic fines and penalties for failure to comply with the final regulations because the Commission wants to retain flexibility in assessing fines for noncompliance, to consider the reasons for noncompliance, and to consider whether the EDC is also violating reliability standards and the number of customer complaints. There are factors beyond the control of the EDCs which influence an EDC's ability to have reliable service and meet its inspection, maintenance and repair intervals, such as off-right-of-way vegetation problems and weather-related outages and the Commission needs flexibility in determining whether an excuse is in good faith or not and whether the problem can be remedied by corrective action plans, before fines and penalties are pursued.

PPL's Pilot Program Suggestion

PPL's General Manager of Transmission/Distribution commented at the technical conference held on January 22, 2007, that if the Commission were to implement standards, they ought to be done on a pilot basis first in a controlled experiment to see if the standards do, in fact, improve reliability. PPL suggested targeting the worst performing circuit areas. PPL offered a graph depicting the effect of the proposed standards on effective management of the company in its comments. Figure 1, p. 8. PPL stated that the tradeoffs between alternatives, costs and results change over time, are driven by advancements in technology and work methods, and changes to the specific makeup and age distribution of an EDC's assets. At any given time, a cost/benefit analysis will produce different results at different EDCs due to differences in labor costs, design standards, equipment and material specifications, asset retirement and replacement schedules, asset up-

grading programs, facility operating procedures, and inspection and maintenance programs.

Thus, PPL recommends the most effective way to proceed is for the Commission to establish individual inspection and maintenance standards for each EDC, which recognize the unique characteristics, performance and environment of each EDC and which can be adapted to changing technology, work methods, costs and system composition. Uniform labor-intensive standards will not necessarily lead to improvements in reliability and will likely result in substantial additional costs to the EDCs totaling approximately \$75 million per year.

Disposition

PPL's pilot program suggestion is interesting but no other party recommended the same. The final-form regulation set forth today will allow for flexibility in reacting to technological advancements in inspection, maintenance, replacement and repair work, as well as encouraging better performance in uniquely different EDC service territories.

III. *Conclusion*

The Commission finds that the establishment of I & M standards for EDCs, as set forth in Annex A, is in the public interest because these standards are required by law, 66 Pa.C.S. § 2802(20), and because these standards will enhance the reliability of the electric service provided to ratepayers in this form. In addition, we have given consideration to the industry's claim that rigid I & M standards may not be appropriate for all EDCs by allowing individual EDCs to justify, by unique circumstances or a cost/benefit analysis, the use of an alternative approach to a given I & M standard.

Accordingly, under authority in section 501 of the Public Utility Code, 66 Pa.C.S. § 501, 66 Pa.C.S. Chapter 28 and the regulations promulgated thereunder in §§ 57.191—57.197; and sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder in 1 Pa.Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 745.5); section 5 of the Regulatory Review Act (71 P. S. § 732.204(b)); and section 612 of The Administrative Code of 1929 (71 P. S. § 232) and the regulations promulgated thereunder in 4 Pa.Code §§ 7.251—7.235, we adopt the regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 57, are amended by the addition of § 57.198 to read as set forth in Annex A.

(*Editor's Note:* The proposal to amend § 57.192, included in the proposed rulemaking at 36 Pa.B. 6097, has been withdrawn by the Commission.)

2. The Secretary submit this final rulemaking order and Annex A for review and approval by the designated standing committees of both houses of the General Assembly, and for review and approval of IRRC.

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

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

5. The Secretary certify this order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

6. The amendments to Chapter 57 embodied in Annex A shall become effective upon final publication in the *Pennsylvania Bulletin*.

7. A copy of this order and Annex A be filed in the folder regarding benchmarks and standards at M-00991220.

8. The contact persons for this rulemaking are (technical) Blaine Loper, CEEP, (717) 787-3810 and (legal) Elizabeth H. Barnes, Law Bureau, (717) 772-5408.

9. A copy of this order and Annex A be served upon all EDCs operating in this Commonwealth, the Office of Consumer Advocate, the Office of Small Business Advocate, the Energy Association of Pennsylvania, Senator Robert M. Tomlinson, the Pennsylvania Utility Contractors Association, the IECPA, and the Pennsylvania AFL-CIO—Utility Caucus.

By the Commission

JAMES J. MCNULTY,
Secretary

State of Commissioner Kim Pizzigrilli

In passing the Electricity Generation Customer Choice and Competition Act (the Act), the General Assembly emphasized that electric distribution companies should continue to ensure the safe and reliable provisions of electric service to all customers. 66 Pa.C.S. §§ 2802(12), 2804(1), 2807(d). To achieve this objective, the Commission was charged with establishing inspection, maintenance, repair and replacement standards via regulation for the electric transmission and distribution system. 66 Pa.C.S. § 2802(20).

The Commission has previously promulgated regulations to establish reliability benchmarks and reporting requirements. *Rulemaking Re Amending Electric Service Reliability Regulations at 52 Pa. Code Chapter 57*, Docket L-00030161 (Final Rulemaking Order entered May 7, 2004). However, we had not promulgated specific regulations on the inspection, repair and maintenance of facilities.

These rules are the result of a process in which many comments have been filed and where there has been an extensive dialogue between staff and stakeholders. I commend all those involved for their efforts. I believe these rules reasonably balance the interests of all parties and serve the public interest by fostering safe and reliable electric service.

KIM PIZZINGRILLI,
Commissioner

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4693 (August 23, 2008).)

Fiscal Note: Fiscal Note 57-248 remains valid for the final adoption of the subject regulation.

ATTACHMENT A

12-Month Average Electric Reliability Indices for 2006

Customer Average Interruption Duration Index (CAIDI)				% Above (+) or Below (-) Standard	% Above (+) or Below (-) Benchmark
EDC	2006	Benchmark	Standard		
Allegheny Power	185	170	204	-9.3%	8.8%
Duquesne Light	102	108	130	-21.5%	-5.6%
Met-Ed (FE)	121	117	140	-13.6%	3.4%
Penelec (FE)	108	117	141	-23.4%	-7.7%
Penn Power (FE)	112	101	121	-7.4%	10.9%
PECO	133	112	134	-0.7%	18.8%
PPL	165	145	174	-5.2%	13.8%
UGI	112	169	228	-50.9%	-33.7%
Citizens	68	105	141	-51.8%	-35.2%
Pike County	142	174	235	-39.6%	-18.4%
Wellsboro	91	124	167	-45.5%	-26.6%
System Average Interruption Frequency Index (SAIFI)				% Above (+) or Below (-) Standard	% Above (+) or Below (-) Benchmark
EDC	2006	Benchmark	Standard		
Allegheny Power	1.16	1.05	1.26	-7.9%	10.5%
Duquesne Light	0.79	1.17	1.40	-43.6%	-32.5%
Met-Ed (FE)	1.73	1.15	1.38	25.4%	50.4%
Penelec (FE)	1.47	1.26	1.52	-3.3%	16.7%
Penn Power (FE)	1.22	1.12	1.34	-9.0%	8.9%
PECO	1.35	1.23	1.48	-8.8%	9.8%
PPL	1.27	0.98	1.18	7.6%	29.6%
UGI	0.79	0.83	1.12	-29.5%	-4.8%
Citizens	0.14	0.20	0.27	-48.1%	-30.0%
Pike County	1.16	0.61	0.82	41.5%	90.2%
Wellsboro	1.50	1.23	1.66	-9.6%	22.0%
System Average Interruption Duration Index (SAIDI)				% Above (+) or Below (-) Standard	% Above (+) or Below (-) Benchmark
EDC	2006	Benchmark	Standard		
Allegheny Power	215	179	257	-16.3%	20.1%
Duquesne Light	81	126	182	-55.5%	-35.7%
Met-Ed (FE)	210	135	194	8.2%	55.6%
Penelec (FE)	158	148	213	-25.8%	6.8%
Penn Power (FE)	137	113	162	-15.4%	21.2%
PECO	179	138	198	-9.6%	29.7%
PPL	209	142	205	2.0%	47.2%
UGI	88	140	256	-65.6%	-37.1%
Citizens	10	21	38	-73.7%	-52.4%
Pike County	165	106	194	-15.2%	55.3%
Wellsboro	139	153	278	-50.0%	-9.2%

ATTACHMENT B

Three-Year Average Electric Reliability Indices for 2004-06

Customer Average Interruption Duration Index (CAIDI)				3-Year	3-Year	% Above (+) or
EDC	2004	2005	2006	Average	Standard	Below (-) Standard
Allegheny Power	190	195	185	190	187	1.6%
Duquesne Light	92	98	102	97	119	-18.2%
Met-Ed (FE)	128	122	121	124	129	-4.1%
Penelec (FE)	140	151	108	133	129	3.1%
Penn Power (FE)	120	151	112	128	111	15.0%
PECO	106	99	133	113	123	-8.4%
PPL	159	125	165	150	160	-6.5%
UGI	143	119	112	125	186	-33.0%
Citizens	64	116	68	83	115	-28.1%
Pike County	172	109	142	141	192	-26.6%
Wellsboro	84	105	91	93	136	-31.4%
System Average Interruption Frequency Index (SAIFI)				3-Year	3-Year	% Above (+) or
EDC	2004	2005	2006	Average	Standard	Below (-) Standard
Allegheny Power	1.13	1.15	1.16	1.15	1.16	-1.1%
Duquesne Light	1.03	0.98	0.79	0.93	1.29	-27.6%
Met-Ed (FE)	1.54	1.70	1.73	1.66	1.27	30.4%
Penelec (FE)	1.77	1.87	1.47	1.70	1.39	22.5%
Penn Power (FE)	1.43	1.56	1.22	1.40	1.23	14.1%
PECO	0.98	1.02	1.35	1.12	1.35	-17.3%
PPL	1.09	0.97	1.27	1.11	1.08	2.7%
UGI	0.65	0.64	0.79	0.69	0.91	-23.8%
Citizens	0.39	0.10	0.14	0.21	0.22	-4.5%
Pike County	0.52	1.85	1.16	1.18	0.67	75.6%
Wellsboro	3.13	1.37	1.50	2.00	1.35	48.1%
System Average Interruption Duration Index (SAIDI)				3-Year	3-Year	% Above (+) or
EDC	2004	2005	2006	Average	Standard	Below (-) Standard
Allegheny Power	216	224	215	218	217	0.6%
Duquesne Light	95	97	81	91	153	-40.5%
Met-Ed (FE)	197	209	210	205	163	26.0%
Penelec (FE)	248	284	158	230	179	28.5%
Penn Power (FE)	172	236	137	182	136	33.6%
PECO	104	100	179	128	167	-23.6%
PPL	173	121	209	168	172	-2.5%
UGI	93	76	88	86	170	-49.6%
Citizens	25	12	10	16	25	-37.3%
Pike County	90	202	165	152	129	18.0%
Wellsboro	263	144	139	182	185	-1.7%

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter N. ELECTRIC RELIABILITY STANDARDS

§ 57.198. Inspection and maintenance standards.

(a) *Filing date and plan components.* Every 2 years, by October 1, an EDC shall prepare and file with the Commission a biennial plan for the periodic inspection, maintenance, repair and replacement of its facilities that is designed to meet its performance benchmarks and standards under this subchapter. EDCs in Compliance Group 1, as determined by the Commission, shall file their initial plans on October 1, 2009. EDCs in Compliance Group 2, as determined by the Commission, shall file their initial plans on October 1, 2010. Each EDC's biennial plan must cover the 2 calendar years beginning 15 months after filing, be implemented 15 months after filing, and must remain in effect for 2 calendar years thereafter. In preparing this plan, the following facilities are critical to maintaining system reliability:

- (1) Poles.
- (2) Overhead conductors and cables.
- (3) Transformers.
- (4) Switching devices.
- (5) Protective devices.
- (6) Regulators.
- (7) Capacitors.
- (8) Substations.

(b) *Plan consistency.* The plan must be consistent with the National Electrical Safety Code, Codes and Practices of the Institute of Electrical and Electronic Engineers, Federal Energy Regulatory Commission Regulations and the provisions of the American National Standards Institute, Inc.

(c) *Time frames.* The plan must comply with the inspection and maintenance standards in subsection (n). A justification for the inspection and maintenance time frames selected shall be provided, even if the time frame falls within the intervals prescribed in subsection (n). However, an EDC may propose a plan that, for a given standard, uses intervals outside the Commission standard, provided that the deviation can be justified by the EDC's unique circumstances or a cost/benefit analysis to support an alternative approach that will still support the level of reliability required by law.

(d) *Routine inspection and maintenance.* The plan must specify for the standards in subsection (n) the routine inspection and maintenance requirements, and emergency maintenance plans and procedures.

(e) *Reduction of risk of outages.* The plan shall be designed to reduce the risk of outages by accounting for age, condition, technology, design and performance of system components and by inspecting, maintaining, repairing, replacing and upgrading the system.

(f) *Clearance of vegetation.* The plan must include a program for the maintenance of clearances of vegetation from the EDC's overhead distribution facilities.

(g) *Consistency with reliability reports.* The plan must form the basis of, and be consistent with, the EDC's inspection and maintenance goals and objectives included in subsequent annual and quarterly reliability reports filed with the Commission under §§ 57.193(c) and 57.195 (relating to transmission system reliability; and reporting requirements).

(h) *Review procedure.* Within 90 days of receipt of the plan, the Commission or the Director of the Bureau of Conservation, Economics and Energy Planning (CEEP) will accept or reject the plan in writing.

(i) *Deemed acceptance.* Absent action by the Commission or the Director of CEEP to reject the plan within 90 days of the plan's submission to the Commission, the plan will be deemed accepted.

(j) *Plan deficiencies.* If the plan is rejected, in whole or in part, by the Commission or the Director of CEEP, the EDC will be notified of the plan's deficiencies and directed to submit one of the following:

(i) A revised plan, or pertinent parts of the plan, addressing the identified deficiencies.

(ii) An explanation why the EDC believes its plan is not deficient. The revised plan is deemed accepted absent any action by the Commission within 90 days of the filing.

(k) *Appeal procedure.* An EDC may appeal the Commission staff's determination under subsection (h) by filing an appeal under § 5.44 (relating to petitions for appeal from actions of the staff) within 20 days after service of notice of the action. A final Commission determination is appealable to the Commonwealth Court. Absent having a granted stay, the EDC is obligated to comply with the Commission's directives regarding its inspection, maintenance, repair and replacement plans.

(l) *EDC updates.* An EDC may request approval from the Commission for revising its approved plan. An EDC shall submit to the Commission, as an addendum to its quarterly reliability report under §§ 57.193(c) and 57.195, prospective and past revisions to its plan and a discussion of the reasons for the revisions. Within 60 days, the Commission or the Director of CEEP will accept or reject the revisions to the plan. The appeal procedure in subsection (k) applies to the appeal of a rejection of revisions to the plan.

(m) *Recordkeeping.* An EDC shall maintain records of its inspection and maintenance activities sufficient to demonstrate compliance with its distribution facilities inspection, maintenance, repair and replacement programs as required by subsection (n). The records shall be made available to the Commission upon request within 30 days. Examples of sufficient records include:

(1) Date-stamped records signed by EDC staff who performed the tasks related to inspection.

(2) Maintenance, repair and replacement receipts from independent contractors showing when and what type of inspection, maintenance, repair or replacement work was done.

(n) *Inspection and maintenance intervals.* An EDC shall maintain the following inspection and maintenance plan intervals:

(1) *Vegetation management.* The Statewide minimum inspection and treatment cycle for vegetation management is between 4-8 years for distribution facilities. An

EDC shall submit a condition-based plan for vegetation management for its distribution system facilities explaining its treatment cycle.

(2) *Pole inspections.* Distribution poles shall be inspected at least as often as every 10—12 years except for the new southern yellow pine creosoted utility poles which shall be initially inspected within 25 years, then within 12 years annually after the initial inspection. Pole inspections must include:

- (i) Drill tests at and below ground level.
- (ii) A shell test.
- (iii) Visual inspection for holes or evidence of insect infestation.
- (iv) Visual inspection for evidence of unauthorized backfilling or excavation near the pole.
- (v) Visual inspection for signs of lightning strikes.
- (vi) A load calculation.

(3) *Pole inspection failure.* If a pole fails the groundline inspection and shows dangerous conditions that are an immediate risk to public or employee safety or conditions affecting the integrity of the circuit, the pole shall be replaced within 30 days of the date of inspection.

(4) *Distribution overhead line inspections.* Distribution lines shall be inspected by ground patrol a minimum of once every 1-2 years. A visual inspection must include checking for:

- (i) Broken insulators.
- (ii) Conditions that may adversely affect operation of the overhead transformer.
- (iii) Other conditions that may adversely affect operation of the overhead distribution line.

(5) *Inspection failure.* If critical maintenance problems are found that affect the integrity of the circuits, they shall be repaired or replaced no later than 30 days from discovery.

(6) *Distribution transformer inspections.* Overhead distribution transformers shall be visually inspected as part of the distribution line inspection every 1-2 years. Above-ground pad-mounted transformers shall be inspected at least as often as every 5 years and below-ground transformers shall be inspected at least as often as every 8 years. An inspection must include checking for:

- (i) Rust, dents or other evidence of contact.
- (ii) Leaking oil.
- (iii) Installation of fences or shrubbery that could adversely affect access to and operation of the transformer.

(iv) Unauthorized excavation or changes in grade near the transformer.

(7) *Recloser inspections.* Three-phase reclosers shall be inspected on a cycle of 8 years or less. Single-phase reclosers shall be inspected as part of the EDC's individual distribution line inspection plan.

(8) *Substation inspections.* Substation equipment, structures and hardware shall be inspected on a cycle of 5 years or less.

[Pa.B. Doc. No. 08-1746. Filed for public inspection September 26, 2008, 9:00 a.m.]

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
[52 PA. CODE CHS. 1 AND 5]**

[L-00070187/57-258]

Electronic Filing

The Pennsylvania Public Utility Commission (Commission) on May 22, 2008, adopted a final-form rulemaking order which sets forth amendments to its procedural regulations to accommodate electronic filing.

Executive Summary

On September 10, 2007, at Docket No. L-00070187, the Commission entered a proposed rulemaking order soliciting comments on establishing regulations to permit electronic filing. Interested persons were provided with 60 days from the date the order was published in the *Pennsylvania Bulletin* to submit comments. The order was published at 37 Pa.B. 6112 (November 17, 2007). Five comments were submitted to the proposed rulemaking. On May 22, 2008, the Commission entered an order at the previously-captioned docket finalizing the regulations.

The Commission has adopted amendments to its procedural regulations in Chapters 1 and 5 (relating to rules of administrative practice and procedure; and formal proceedings), to accommodate electronic filing once the Commission's Information Management and Access Project (InfoMAP) is fully implemented. InfoMAP will allow for more efficient access by consumers, utilities and practitioners to documents filed with and produced by the Commission through the implementation of electronic filing and access. The Commission anticipates that public documents currently available in the Secretary's Bureau will be posted on the Commission's web site, thus, providing the public with greater and easier access to information about the Commission's proceedings. The Commission anticipates that it will be capable of receiving electronic filings and providing electronic access to information by the fall of 2008.

The Commission views the electronic filing regulations as a transitional step toward replacing paper with electronic documents by allowing filers to submit certain documents electronically without the need to file paper copies. The regulations also broaden the service rules to accommodate electronic service of documents by the Commission, and between parties. Electronic filing will be optional, rather than mandatory, at the onset, and filers will retain the option of submitting documents to the Commission in paper form as they do currently.

Public Meeting held
May 22, 2008

Commissioners Present: Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Tyrone J. Christy; Kim Pizzigrilli, Statement attached

*Final Rulemaking to Permit Electronic Filing;
Doc. No. L-00070187*

Final Rulemaking Order

By the Commission:

On September 10, 2007, the Commission issued a proposed rulemaking order at the previously-captioned docket to promulgate regulations to permit electronic filing of documents with the Commission's Secretary's

Bureau, and to formalize procedures for the service of documents in electronic format. By this order, we will finalize these regulations.

Discussion

In order to accommodate electronic filing when the Commission's Information Management and Access Project (InfoMAP) is fully operational, the Commission determined that its procedural regulations at 52 Pa. Code Chapters 1 and 5 needed to be revised. These revised regulations: (1) would permit filers to submit certain documents electronically without filing paper copies; and (2) would broaden the service rules to accommodate electronic service of documents by the Commission and between parties.

The proposed regulations were published at 37 Pa.B. 6112 (November 17, 2007). Interested persons were provided with 60 days from the publication date to submit comments regarding the proposed regulations. Parties filing comments were the Pennsylvania Telephone Association, PECO Energy Company, the Energy Association of Pennsylvania (EAPA), Office of Small Business Advocate and the Office of Consumer Advocate (OCA). The Independent Regulatory Review Commission (IRRC) filed its comments on February 17, 2008.

The Commission thanks all the commentators for their input. After carefully considering the comments, we have revised the proposed regulations which appear in the Annex A to this order. Because comments raised the same or similar issues, each comment or argument offered in support of the comment is not individually discussed. Also, comments that raised issues that were not directly related to the subject matter of the proposed rulemaking are not discussed.

Note that the revised regulations are meant to be transitory in nature. At its onset, electronic filing will be optional, rather than mandatory, and filers will retain the option of submitting documents to the Commission in paper form as they do currently. As the Commission, its employees and outside users gain experience with using the electronic filing system, the regulations will be revised as the need arises, and ultimately may require that all documents be filed and served electronically by some users, such as law firms or major public utilities.

General Comments

Public Access

The OAC comments generally on areas of the proposed regulations where clarification or modification may be necessary to ensure both public access and user-friendliness. In regard to public access, the OCA comments that the Commission should adopt an open-access system similar to ones used in Illinois, Ohio, Indiana and Kentucky. These systems allow for public access as soon as the document is posted by the Commission without the need for special registration or user ID. OCA Comments, p. 2.

The OCA notes two exceptions to public access to documents:

- (1) Documents containing proprietary or confidential information should not be posted for public access.
- (2) Formal complaints filed by consumers because much of the information filed is of a sensitive nature—addresses, telephone numbers, account numbers, bill histories, possible medical histories or financial information and other identifying information. Only information that should be made available is

that which is already available: the Commission docket number, Commission-authorized summary of the complaint, and the name of the utility and the complainant. OCA Comments, p. 2.

Disposition:

In regard to the OCA's general comment about public access, we first note that registration as a filing user is necessary only if one would like to file documents electronically with the Commission. Documents at the Commission's web site will continue to be available to the public without the need to register as a Filing User.

However, public access must be balanced with the protection of sensitive or confidential or propriety documents and information. The Commonwealth's new Right-to-Know Law (RTKL), signed by Governor Edward Rendell on February 14, 2008, Act 3 of 2008, (2008214 P.L. 6, No. 3)¹ establishes the presumption that most Commonwealth documents are open to the public unless the documents are specifically exempted. The RTKL exempts over 30 categories of documents from public access, and lists other categories of documents where confidential or personal information may need to be redacted from a document that is otherwise accessible by the public². For this reason, we have specifically referenced § 67.708³ of the RTKL in § 1.32(b)(4) (relating to filing specifications) as a consideration in determining the categories of documents that will be designated as "qualified documents" for electronic filing and internet posting.

Preservation of Option to File Paper Documents and the Practice of Serving Statutory Advocates with Certain Filings

In regard to the elimination of paper documents, the OCA states that some form of paper filing should be retained indefinitely. Many customers, especially low income customers, do not have access to a computer, the Internet or an e-mail address. The OCA's concern is that the elimination of paper documents might limit or block a customer's ability to file complaints or access necessary documents at the Commission. OCA Comments, p. 4. The OCA asks the Commission to confirm that the proposed revisions should not be read to supersede, modify or revoke the practice whereby the statutory advocates would continue to receive copies of rate case filings, applications and petitions. OCA Comments, pp. 2-3.

Disposition:

The Commission understands the OCA's concerns. However, we have not proposed to eliminate the paper document filing option in this rulemaking. Moreover, the Commonwealth Documents Law⁴ requires that a hard paper copy be kept of most filings, which the Commission has assumed the administrative burden of printing when a party opts to file a document electronically and no paper copy is required to be filed. As already stated, the regulations as amended herein are transitional and may be revised sometime in the future to eliminate paper filing. In regard to this rulemaking, the OCA's concern is premature.

The proposed rulemaking did not specifically address the practice of parties serving the statutory advocates with documents filed with the Commission, nor did we

¹ 65 P.S. §§ 67.101—67.3104.

² Among the 30 categories of documents and information which are expressly exempted from public access requirements by the new RTK Law, is information that more than likely would appear in a Commission record in a proceeding on a consumer's complaint—"a record identifying the name, home address or date of birth of a child [who is] 17 years or of age or younger." 65 P.S. § 67.708(b)(30).

³ 65 P.S. § 67.708 (relating to exceptions for public records).

⁴ 45 P.S. §§ 1102, et seq. and 45 Pa.C.S. §§ 501, et seq.

intend that these revisions to the procedural regulations proposed in this rulemaking would supersede or revoke this practice. However, the practice will be modified to the extent that when a document is filed electronically with the Commission, service of the document on the statutory advocates shall also be made electronically in accordance with the regulations.

There are no restrictions in the electronic filing regulations that prohibit a filing user from filing both electronic and paper documents in the same Commission proceeding. There are also no restrictions that prohibit a filing user from filing paper documents in one proceeding and electronic documents in another. However, it is more efficient for all concerned if the filer makes all paper or all electronic filings in a given proceeding.

Posting Information for User Registration and Instructions for Electronic Filing

As a general comment, IRRC observes that there are several places in this regulation that direct users to the Commission's web site for electronic filing registration information or instructions relating to this registration. IRRC asks when this information will be posted, and recommends that this information be uploaded onto the Commission's web site prior to the effective date of the final-form version of this regulation. IRRC Comments, p. 1.

Disposition:

The Commission thanks IRRC for its practical suggestions. User registration information and filing instructions will be posted on the Commission's web site sufficiently in advance of the effective date of the final regulations. The Commission's web site is designed to be user-friendly, and when this information is posted, care will be taken to ensure that connecting links will be clearly labeled so that the information can be accessed quickly.

Comments Related To Specific Sections

§ 1.8. Definitions.

Definition of Confirmation of Receipt.

IRRC comments that the last sentence in the definition of "confirmation of receipt" contains substantive language and should be moved to the body of the final-form definition. IRRC Comments, p. 1.

Disposition:

The Commission agrees. The last sentence from the proposed definition of "Confirmation of receipt" has been deleted and this information has been moved to § 1.32(b) (relating to specifications) as new paragraph 5. The paragraph relating to revocation of participation in the electronic filing system in § 1.32(b) has been renumbered as paragraph 6.

Definition of Filing User

IRRC comments that the last sentence in the definition of "Filing Users" contains substantive language and that it should be moved to the body of the final form definition. IRRC Comments, p. 1.

Disposition:

The Commission will delete the last sentence of the proposed definition and will move the information to § 1.32(b)(1).

Definition of Qualified Document

IRRC comments that the last sentence in the definition of "qualified document" contains substantive language,

and recommends that this language should be deleted from the definition and moved to the body of the final-form regulation. IRRC states that making this change will clarify the meaning of the regulation, and assist the regulated community with compliance. IRRC Comments, p. 1.

Disposition:

The Commission has revised the definition of "qualified document" by deleting the second sentence relating to the Commission process that will be used to establish a list of qualified documents for filing. The Commission process will be addressed in body of the regulations at § 1.32(b)(2)(ii). Comments filed in response to the § 1.8 (relating to definitions) definition of "qualified document" that are directed at the Commission process for designating "qualified documents" will be discussed in relation to this new section.

Definition of PDF-Portable Document Format.

IRRC comments that the entire definition of "PDF-Portable Document Format" is substantive and should be moved to the body of the regulation. IRRC Comments, p. 1.

EAPA suggests the deletion of the words—"and copied"—from the definition of PDF so that it would read as follows: "The PDF document and attachments, when feasible, shall be capable of being printed, without restriction, and may not require a password to view the contents of the document." EAPA explains that a PDF document does not allow for modification of the document so a PDF document cannot be "copied, without restriction." EAPA Comments, p. 1.

Disposition:

The Commission agrees that the proposed definition of a "PDF document" is substantive and will move this information to § 1.32(b)(2)(iii) where other specifications for documents filed electronically are set forth. We will, however, retain a definition for the acronym "PDF" in § 1.8, that is, "Portable Document Format."

As to EAPA's comment, we believe the public has a right to access, to print, to copy from and to save an electronic copy of a document filed with the Commission. Once uploaded to the Commission's web site, the official version of the electronically filed document cannot be edited so the ability to copy it will in no way affect the integrity of the original document. For this reason, we will reject this comment, and retain the original language now set forth at § 1.32(b)(2)(iii).

Section 1.11. Date of Filing.

EAPA suggests replacing the phrase "local prevailing time" with "local Harrisburg time" to avoid any confusion in the event that the filing was made in a different time zone. EAPA Comments, p. 2.

Disposition:

In light of the fact that the Commission's electronic filing system will permit a filing to be made from anywhere in the world, EAPA's suggestion for revision of "prevailing time" makes sense. Accordingly, we will qualify the phrase "prevailing time" to be "prevailing time in the Eastern Time Zone (United States of America)" in § 1.11 (relating to date of filing). For consistency within our procedural regulations, we will also revise the

phrases “local prevailing time” and “local time” in § 1.56(4)(5) (relating to date of service).⁵

Section 1.16. Issuance of decisions by presiding officers.

In regard to proposed § 1.16, the Office of Small Business Advocate (OSBA) notes that it appears that the Commission intends to mail a paper copy of an initial decision, or recommended decision to parties who are not filing users or who have not agreed to accept electronic service. See proposed § 1.16. The OSBA encourages the Commission to post such decisions on the Commission's web site so that parties who are not filing users will have access to the decisions on the same day as the parties who are served electronically. OSBA Comments, p. 3. IRRRC agrees with the OSBA's comment. IRRRC Comments, p. 1.

Disposition:

Section 1.16 permits the Commission's Secretary to serve entered Commission orders electronically on parties who have elected to receive electronic service rather than mail service of documents. Posting the orders on the Commission web site does not equate with actual service of these documents on filing users who have agreed to accept electronic service of Commission generated documents. Posting of these documents only provides for public access to the documents.

The OSBA's apparent concern is that parties who do not accept electronic service of documents will be disadvantaged in regard to response time if Commission orders are not simultaneously posted to the web site at the time they are electronically served on other parties. The Commission has been posting its orders, initial decisions and recommended decisions on its web site for many years, and has always endeavored, absent technical difficulties, to upload these documents to the web site as soon as they are issued or entered. Most importantly, it is standard operating procedure that an order will not be entered unless it can be served on all of the parties to the proceeding on that same day using First Class United States Mail. The Commission will continue following this procedure so that the public, including parties who opted not to accept electronic service, will continue to have same day access to Commission orders and Administrative Law Judge decisions as soon as they are entered and served on the parties. No change needs to be made in the proposed regulations.

Section 1.32. Filing specifications.

Section 1.32(b)(2). Electronic filings—Requirements.

In its comments, the OCA notes that the proposed rulemaking defines a “qualified document,” but states that the Commission will determine by order the documents that constitute “qualified documents.” The OCA would like the Commission to tentatively identify what documents are qualified and allow for comments prior to the electronic filing regulations taking effect. The OCA submits that while Formal Complaints filed by consumers should be recognized as “qualified documents” for the purpose of electronic filing, they should not be posted on the Commission's web site. OCA Comments, pp. 5 and 6. The OCA also comments that the complainant should be permitted to opt out of electronic service. This would enable a complainant to file a complaint electronically at a public library, but receive service of subsequent documents by mail at home. OCA Comments, p. 6.

⁵ Although not previously proposed for revision, § 1.56 establishes the filing date for documents and thus, falls within the scope of this rulemaking. Accordingly, it may be revised herein to address the filing date for documents that are filed electronically.

In regard to the Commission process for designating “qualified documents,” the OSBA recommends that the Commission include an affirmative statement to the effect that the Commission will issue a tentative order before designating the initial list of “qualified documents” and will issue a tentative order with an opportunity for comment before subsequently adding to, or subtracting from the list. OSBA Comments, p. 2.

The Pennsylvania Telephone Association (PTA) expresses concern that there is no reference to tariff filings in the definition of “Qualified Document.” PTA states that allowing electronic filing of tariffs would save time and money if electronic filing was instituted.

Disposition:

Section 1.32(b)(2)(ii) has been revised by adding substantive language explaining that a qualified document is one “that is listed in the categories of documents that the Commission, after notice and opportunity to be heard, has designated as being permitted to be filed electronically.” This revision is consistent with IRRRC's comment that substantive language should be removed from the definition of “qualified document” in § 1.8 and moved to the body of the regulations.

As stated in our proposed rulemaking order, the Commission, after notice and opportunity to be heard, intends to designate categories of qualified documents that may be filed electronically. PRMO at p. 3. Although the “tentative order - public comment - final order” process has been used successfully in the past to provide due process protection for all parties, we chose not to incorporate this specific process into our regulations. The broader language incorporated in § 1.32(b)(2) will permit greater flexibility in Commission practice and procedures so that these issues can be addressed in whatever procedural context that they might arise.

To be clear, we appreciate the thoughtful input of the OCA and the PTA in regard to their suggestions for categories of documents that should be characterized as “qualified” for electronic filing. In answer, we expect that, after notice and opportunity to be heard, complaints and tariffs will most likely be among the first categories of filings that will be designated as “qualified documents.”

Section 1.32(b)(4). Electronic filings—Restrictions for filings containing confidential information.

This section addresses a filing restriction for documents containing confidential information. In its comments, the OCA agrees that it is appropriate to treat proprietary or confidential material so that the information is not inadvertently posted for public access and agrees with initially prohibiting the electronic filing of documents containing proprietary or confidential information. The OCA is concerned about the scope of the prohibition. Specifically the OCA seeks clarification about the scope of the term “filing” as used in this subsection, and suggests the addition of a subsection that addresses the Commission's processing of formal complaints so as not to disclose confidential information. OCA Comments, pp. 7 and 8.

Disposition:

The scope of the electronic filing restriction at § 1.32(b)(4) in regard to confidential information in documents was meant to be necessarily broad so as to prevent the inadvertent posting of sensitive information to the internet. Requiring the filer to redact confidential information from the public copy of the document that will be posted ensures the greatest protection for this information.

The OCA's concern about safeguarding the personal information of consumers filing complaints with the agency is shared by the Commission. However, the OCA's instant request for the addition of a subsection on the processing of confidential information in formal complaints is premature, and may prove to be unnecessary.

The protection of customer's personal information as well as other sensitive or confidential information has been, and will be taken into account as document processing protocols for the electronic filing system are implemented. In regard to customer complaints, as a first step, the Commission will insure the security of a customer's personal information by not publishing complaints to the Commission's web site at all. In time, the Commission expects that a technical solution will be implemented that will permit a public utility and the statutory advocates to access complaints electronically without jeopardizing security of the personal information. One option being considered is the creation of a secure area on the Commission's web site where access to customer complaints and perhaps other confidential filings, would be limited to the respondent public utility and the statutory advocates and other necessary parties and intervenors.

In light of the previous discussion, we will not be adding to the final regulation a subsection that addresses the processing of confidential information in customer complaints.

Section 1.32(b)(5), now § 1.32(b)(6). Revocation of participation in electronic filing system.

Subsection 1.32(b)(5)(i), now § 1.32(b)(6)(i). Revocation by filing user.

This subsection states that "[f]iling users may revoke their participation in the electronic filing system for all Commission proceedings by filing a notice of revocation with the Secretary." 52 Pa. Code § 1.32(b)(5)(i). The OCA comments that it is unclear whether a filing user may revoke his participation in only one proceeding. The OCA states that it is also unclear whether a party could continue to receive electronic service if the party revoked his participation in the Commission's electronic filing system. OCA Comments, p. 8.

The OCA submits that filing users should be able to revoke their participation in electronic filing system on a case-by-case basis. Also, parties should retain the right to continue with electronic service among them even if the electronic filing system is not used. OCA Comments, p. 8.

Under this proposed regulation, a user may voluntarily withdraw from participation in the electronic filing system by filing a notice of revocation. IRRRC comments that the term "notice of revocation" is used throughout § 1.32(b)(5) and questions what information should be included in this "notice." IRRRC Comments, p. 2. IRRRC further comments that information that will be required in the "notice of revocation" should be contained in the final-form rulemaking. IRRRC Comments, p. 2.

Disposition:

The Commission does not believe that the regulation is unclear in regard to the scope of a user's voluntary revocation of participation in the electronic filing system. A party's voluntary revocation of its user status applies to all Commission proceedings in which the party is participating. Allowing the revocation for individual proceedings would not only cause the expenditure of additional administrative resources, but also could create an opportunity for gaming of the system by a savvy practitioner who could manipulate time limits related to service of process

to his or her advantage. While the Commission may adopt the OCA's suggestion in the future revision of these rules when the agency has gained more experience with managing the electronic filing system, we decline to make these revisions at this time.

As to the content of a notice of revocation, the Commission does not intend to develop a standard form for users who wish to voluntarily relinquish their use of the electronic filing system. However, it is reasonable that such a notice would include the following information: the user's name, User ID, address and e-mail addresses, the name of the party that he represents, the name of all authorized users on the same account, and the effective date of the revocation. The user must also identify all of the Commission proceedings in which he is a party or participant, or in which he represents a party or a participant. To provide guidance on this subject, we have revised § 1.32(i)(6) to include the information that should be provided in a notice of revocation when a party voluntarily revokes his use of the electronic filing system.

In regard to the OCA's query regarding whether a filing user who revoked his participation in the electronic filing system may continue to be served electronically, the answer would be "no." The revocation of participation deletes the person's User ID number and contact information from electronic filing system making it impossible for service to be accomplished through the system.

Finally, we do not intend that these regulations would preclude any alternative electronic service of process arrangements that are made necessary by time constraints and are by mutual agreement of the parties. However, we urge all stakeholders to register and use the electronic filing system which will streamline and simplify their Commission practice.

Subsection 1.32(b)(5)(ii), now § 1.32(b)(6)(ii). Revocation by the Commission.

Original § 1.32(b)(5)(ii) addresses the Commission's revocation of a user's participation in the electronic filing system. The rule requires a party whose participation in electronic filing system had been revoked by the Commission to serve notice of that revocation on other parties in the proceeding. The OCA submits that it is the Commission who should notify others about the revocation of a party's right to use the electronic filing system. OCA Comments, p. 9. The fact that it was necessary to revoke the party's right to use electronic filing demonstrates that notice to other parties of the revocation should not be left to that party. OCA Comments, p. 9.

Disposition:

The Commission understands the OCA's concern, but for the sake of administrative efficiency, will not make this requested change. A user whose user privileges have been revoked knows all of the proceedings in which he or his client is a participant, and thus, is in the best position to identify and provide timely notice of the revocation to all of the participants in those proceedings. Ultimately, if the required service of the notice of revocation is not completed as directed, other sanctions may be imposed against the participant. See 52 Pa. Code § 1.27(a)(3) (relating to suspension and disbarment) (summary suspension for unethical, contemptuous or improper conduct) and (4) (repeated failure to follow Commission directives). However, to document that the service of process requirement has been completed, we will add language to new subsections (b)(6)(i) and (ii) that requires that a certificate of service be filed with the Commission verifying service of a notice of revocation on all participants in

accordance with 52 Pa. Code §§ 1.57 and 1.58 (relating to certificate of service; and form of service).

As to IRRC's comment regarding the term "notice of revocation" in regard to situations where the Commission might revoke a user's privileges to use electronic filing system because of previous abuse of the system, the notice of revocation will be a letter sent by the Commission's Secretary that notifies the user that his or her use of the electronic filing system has been revoked for cause. The Secretarial letter/notice would likely include the user's name, user ID, address and e-mail addresses, the name of the party that he represents, the name of an authorized users on the same account, and the effective date of the revocation. The letter/notice also will direct the person, whose user rights had been revoked, to serve a notice of revocation on each party or participant in all proceedings in which the person participated or represented a client, and to file a certificate of service with the Commission's Secretary documenting that this service of process had been made. See 52 Pa. Code §§ 1.57 and 1.58. Although the Commission may develop a template to provide this notice to users, we do not believe it is necessary to revise our regulations to create an official form for this notice at this time.

Explanatory language has been added to the second sentence in this subsection to identify the filing user being directed to serve the notice of the revocation as the user whose user ID and password had been revoked.

Section 1.35(a)(2). Execution—Signature—Electronic Filings.

The OCA comments that the proposed regulations are unclear as to who is required to register for a user ID. In the case of the OCA, both attorneys and support staff (on behalf of attorneys) will need to file documents at the Commission. The Commission should clarify if each attorney will need an ID or if the office as a whole will have a general ID. The Commission should also clarify who is permitted to be an authorized agent for the filing user that will be able to sign the filed document as is required under § 1.35(a). This is critical since the proposed regulations define the "Filing User ID" as being "deemed to be the individual's signature." 52 Pa. Code § 1.8. OCA Comments, p. 10.

The OSBA raises the same concerns as the OCA but also questioned whether an "authorized agent" could forward links to documents at the Commission's web site to other OSBA personnel, such as expert witnesses, so that they too can access the electronic filing site and open the relevant documents. OSBA Comments, p. 3. See § 1.8.

The PTA questions how many people in a company may use one file code with the permission of the registered filing user. The PTA also states that larger utilities need to have multiple authorized users of one company registered filing code or need the ability to register multiple users from each company. PTA Comments, p. 2.

IRRC observes that commentators have stated that it is unclear how many people may use the same filing user code with permission of the registered filing user. IRRC states that this should be clearly stated in the final-form rulemaking. IRRC Comments, p. 1. Also, IRRC questions whether there will be a limit on the number of users that an entity may register. IRRC Comments, p. 1.

Disposition:

An attorney or his authorized agent, or both, may register and obtain a user ID to access the Commission's

filing system. The agency relationship between the user and the authorized agent is a private matter and is created on terms that the two decide will govern the relationship, including what actions the agent is authorized to take on behalf of the user in regard to the Commission's electronic filing system.

As to the electronic filing regulations, it is anticipated that the most likely "authorized agent" would be a legal assistant or secretary working in support of an attorney, who would be the filing user. The fact that the filing user ID will be deemed to be the filing user's signature⁶ should provide sufficient guidance to a user in the process of selecting an authorized agent.

Whether one attorney or all of the attorneys in an office or company should register as filing users is a decision best left to the organization⁷. The user ID is used only for the purpose of filing documents with Secretary's Bureau, and it is not necessary for a person to have a user ID to access filed public documents at the Commission's web site. Consequently, it may be unnecessary to register multiple filing users in one office or company. Also, one filing user may give permission to use his filing user ID code to any number of authorized agents. However, only one of these persons—either the filing user or one of his authorized agents—may access the electronic filing system using the user ID code at one time. This is a technical and practical system limitation that verifies the identity of the filer, prevents the alteration of filings or the filing of falsely attributed documents, and ensures the integrity of the process.

In light of the previous discussion, the Commission has revised § 1.35(a)(3) to include a statement that each filing user may determine the number of authorized agents who may use the filing user's user ID and password.

Section 1.36. Verification.

Subsection (c) requires an affidavit to be submitted "in paper form no later than 3 business days after the electronic filing is made." IRRC comments that Commission staff indicates that more details on this submission are located in existing § 1.11(a)(1)—(3). For clarity, the Commission should cross-reference § 1.11(a)(1)—(3) in § 1.36(c). IRRC has similar concerns regarding §§ 1.37(b)(2) and 5.502(b)(2)(ii) and states that the same cross-references should be made in these sections. IRRC Comments, p. 2.

Disposition:

The Commission will include the cross reference to § 1.11(a)(1)—(3) in this section for clarity.

Section 1.37. Number of copies.

Section 1.37(a) requires a party to file a CD-ROM or DVD containing the filing when filing a paper document when that document including the attachments exceeds 5 megabytes. The OCA states that because any filings exceeding 5 megabytes will be considered to be voluminous in size, active parties to the case may also want to review the information electronically. The OCA requests that parties be able to request service of a copy of a CD-ROM or DVD when the filer is required to submit one to the Commission. OCA Comments, p. 11.

⁶ See Annex A, § 1.32(b)(1) (relating to filing specifications; electronic filings; participation).

⁷ It is not anticipated that a limit will need to be placed on the number of filing users registered in one company or firm, but this may change in the future depending on the capacity of the system.

Disposition:

In its comments, the OCA requests that parties be able to request a copy of a CD-ROM or a DVD when one is required as part of the filing of a voluminous document. The instant section—§ 1.37—addresses only the number of copies required for filing with the Commission's Secretary. Section 1.59, on the other hand, addresses the number of copies of a document that must be served on parties to a proceeding. Accordingly, we will grant the OCA's request and will revise § 1.59 accordingly.

Consistent with IRRC's comment, the Commission will include the cross reference to § 1.11(a)(1)–(3) in § 1.37(b)(2) for clarity. IRRC Comments, p. 2.

Section 1.51. Instructions for service, notice and protest.

For clarity, IRRC comments that to be consistent with the language in the rest of the section, the word "indicates" in subsection (b)(2) should be "indication." Also, the word "provides" in subsection (b)(3) is not needed. IRRC Comments, p. 2.

Disposition:

We have reviewed this subsection and will make the revisions suggested by IRRC.

Section 1.51(c). Instructions for service, notice and protest—Notification list for interested nonparties.

The OCA states that the addition of proposed subsection (c) places a responsibility on parties to serve not only parties to a proceeding, but interested nonparties as well. The OCA states that parties are not currently required to serve nonparties with documents filed at the Commission. The OCA understands that interested nonparties currently contact the Commission to directly request any document desired. The OCA believes that parties should not have the responsibility to notify or serve interested nonparties with documents, and that this responsibility should remain with the Commission. OCA Comments, pp. 11 and 12.

The OCA states that the Commission is in a better position to determine which documents or notifications should be sent to these interested nonparties. The OCA suggests deleting this provision of the proposed rule. Alternatively, the OCA suggests that the Commission establish a subscription service so that nonparties can subscribe to a certain case so that they can be alerted when new documents in that case are posted to the Commission's web site. The subscription service is currently in use at Federal Energy Regulatory Commission. See www.ferc.gov/docs-filing/esubscription.asp. OCA Comments, p. 12.

Disposition:

We have re-evaluated this proposed rule and agree with the OCA's comment that parties should not be required to serve interested nonparties with documents filed in a particular case. Current Commission practice does not require parties to a proceeding to serve nonparties, interested or otherwise. For this reason, we will delete proposed § 1.51(c) from the final regulation.

We thank the OCA for its suggestion about instituting a subscription service for interested nonparties. While instituting a subscription service is not a priority at this time, we will take this suggestion under advisement and consider whether it is administratively feasible to implement during a later phase of the InfoMAP project.

In the meantime, nonparties, who are, for the most part, legal practitioners who appear before this Commission, are not without resources to keep informed of

current Commission events and developments that could affect their practice. A nonparty, and, for that matter, any member of the public, is able to track Commission proceedings through the "New Cases, Daily Actions and Hearings" link on the Commission's web site, and can access filed documents through the site's "Search for Document" function. As electronic filing and the later phases of InfoMAP are implemented, more information about Commission proceedings will become available and access to that information will be quicker and easier for consumers, utilities and practitioners, parties and nonparties alike.

Section 1.53. Service by the Commission.

The proposed regulation states that when the Commission serves a document on a party, the Commission will send a notice of a document's posting and a link to a party. The OCA states that the proposed regulation does not state the time frame in which the notice and link will be sent and expresses concern that § 1.53(b)(3) is not clear that the notice will be sent simultaneously with the posting of the document. Any delay in this notice could cause prejudice to parties by shortening the number of days in which the parties have to respond, such as in the filing of exceptions to Initial Decisions. To remedy this concern, the OCA suggests the following revision:

1.53(b)(3)—Service may be made electronically to filing users who have agreed to receive electronic service. Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing system and providing a link to the document on the same day the document is posted. OCA Comments, p. 13.

IRRC agrees with the OCA's concern that a time frame for the posting of the link to the document filed on the system should be included in the regulation. IRRC states that the section should be clarified to say that the notice should occur simultaneously with the posting of the document. IRRC Comments, p. 2.

Disposition:

Since the electronic filing system will automatically generate a pop-up message with an electronic confirmation number and link to the document, we do not expect any delays in the process. However, as a practical matter, when service of a paper document is to be accomplished by the use of First Class United States mail (return receipt requested), the Commission's Secretary does not officially enter a Commission order or issue an Initial Decision or Recommended Decision unless it can be processed and served on all of the parties on that same day. Consistency dictates that the link to a document on the Commission's electronic filing system should be provided in that same time frame. In this way, no party will be prejudiced as to the number of days in which they will need to file a response or take other legal action to protect their interest. For these reasons, we will revise § 1.53(b)(3) consistent with the OCA's suggestion that the link to the document be provided on the same day that the electronic document is posted.

Section 1.54. Service by party.

Section 1.54(b)(3)(ii) requires a party to send a notice to all other parties to a proceeding when an electronic filing is made. Under the proposed rule, the notice requires only that a "link" to the document filed on the electronic filing system be sent, but not an actual copy of the document. The OCA states that the link may not be simultaneously sent to the filing user when the document is filed at the Commission. Also, the document may not be immediately posted and available for access by the link.

The OCA is concerned that the delay would reduce the time available for parties for response. The OCA suggests that the proposed rule be revised to include a requirement that the notice contain the actual document. Requiring the filing party to send an electronic copy of the document instead of a link will ensure that service is completed on the day that the document is filed. This is a common practice already in a Commission proceeding. OCA Comments, pp. 14 and 15. The OCA suggests the following revisions to Section 1.54(b)(3)(ii):

1.54(b)(3)(ii)—Service may be made electronically to filing users who have agreed to receive electronic service. Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service. (A) The electronic mail notice must contain the following provisions: (i) the name of the filing user; (ii) the type of document; (iii) a brief description of the document; (iv) ~~a link to the document on the electronic filing system~~ an electronic copy of the document; (v) the docket number when available; and (vi) an indication that the party is seeking expedited relief, if applicable.

In regard to the service of a hard copy of large documents in proposed § 1.54(c), the OSBA wants clarification as to whether the 250 page limit on a document applies to each individual document in the filing or to the whole filing. OSBA Comments, p. 4. Because of economies of scale, the cost to ratepayers would be less if the utility continued to print out hard copies of the filing for the statutory advocates and their witnesses. OSBA Comments, p. 4. The OSBA also recommends that the proposed regulations be revised to continue the practice of electronic service (followed by a hard copy); (1) between a party who is a filing user and a party who is not a filing user; and (2) between two parties who are not filing users. OSBA Comments, pp. 4 and 5.

Disposition:

Requiring a party to serve the actual document in electronic format defeats the purpose of, and most importantly, ignores the advantage of using the electronic filing system—efficiency in document handling. As stakeholders use and gain experience with the system, the Commission believes that they will become more confident in its operations and will better appreciate this advantage. An explanation of the mechanics of electronic filing should provide necessary reassurance of the system's competence to provide for the timely posting and accessibility of electronically filed documents.

When a filing is made on the electronic filing system, the user will immediately receive a numbered electronic confirmation (e-confirmation) message and a temporary link to the filing. The temporary link will be active for 10 days. Also, the e-confirmation message will appear in, and will be searchable in the filing user's account history, and may be used to access the document after the temporary link has become inactive. The docket number and the permanent link to the document will be sent to the filing user by e-mail as soon as it is available. For the majority of filings, the permanent link to the filing would be sent the same day that it was filed.

Proposed § 1.54(b)(3)(ii)(A)(iv) requires that a party must serve a notice that contains "a link to the document." To fulfill this requirement and thus, accomplish electronic service of the filing on other parties, the filer has two options:

- the filer may serve a notice containing the e-confirmation number and the temporary *link* to the document or
- the filer may serve a notice containing only the docket number and the permanent *link*.

Because the e-confirmation message with the temporary link will be generated when the document is filed electronically, a filer should have no difficulty in obtaining a "link" to the filing so that electronic service of the notice of the document's filing can be completed on the same day.⁸ For this reason, we will not adopt The OCA's revision requiring the service of an electronic copy of the actual filing.

In response to the OSBA's comments, we first will clarify that the 250-page limit for electronic documents includes attachments. See PRMO Order, p. 13. Second, we have not proposed any change to our regulations that affect the informal practice whereby a party serves another with an electronic copy of a document followed up with a paper copy of the document. This informal practice has been developed and successfully carried out by mutual agreement of the parties over the years in circumstances where service by electronic means is warranted. We see no reason to memorialize this informal process in our regulations, especially in light of our goal to promote the use of paperless filing and service of all documents using the Commission's electronic filing system.

Section 1.56. Date of service.

The Commission's mailbox rule states that "whenever a party is required or permitted to do an act within a prescribed period after service of a document upon the party and the document is served by the United States Postal Service, 3 days shall be added to the prescribed period." The OCA states that it unclear that the mailbox rule would apply to a party who is registered as a filing user but who has opted out of receiving electronic service of process. The OCA suggests the following revision to remove the confusion:

1.56(b)—Unless otherwise prescribed by the Commission or presiding officer, whenever at party is required or permitted to do an act within a prescribed period after service of a document upon the party and the document is served by the United States Postal Service, 3 days shall be added to the prescribed period. This provision specifically applies to those registered electronic filing users who have opted to receive paper service and not electronic service. OCA Comments, p. 15.

Disposition:

Section 1.56 was not included as part of the proposed rulemaking, but may be revised as its subject matter (date of service) is related to the subject matter of this rulemaking. At first blush, the revision proposed by the OCA makes sense for consistency, but the revision is unnecessary because the rule already applies to any party that is served by First Class United States Mail, including an electronic filing user who has opted to receive paper service. Because we view these revisions to our regulations to be transitional in nature, and we want to encourage service by electronic means, we will not revise the mailbox rule as proposed by The OCA.

⁸Note well that we are not willing to compromise procedural due process for the parties who appear before us. Consequently, we will view any unreasonable delay in a party's receipt of a notice of electronic filing as possible evidence of abuse of the filing system that could result in revocation of a filing user's ability to use the electronic filing system.

Section 5.502. Filing and service of briefs.

The OCA suggests amending § 5.502 to allow parties to request that they be provided with a CD-ROM or DVD in situations where the filing party is required to submit a CD-ROM or DVD for a voluminous filing in accordance with § 1.37(a)(5). OCA Comments, p. 16.

Disposition:

The Commission understands the utility of the OCA's suggestion. Accordingly, we will accept the comment, and will revise § 5.502(a) to include a cross-reference to new § 1.59(c) which allows a party to request alternate service of a document, in this case, the brief on a CD-ROM or DVD instead of one paper copy where the brief with attachments exceeds 5 megabytes and is submitted as a paper filing. Consistent with IRRC's previous comment, the Commission will include the cross reference to § 1.11(a)(1)—(3) in § 5.502(b)(2)(ii) for clarity. IRRC Comments, p. 2.

Original subparagraph (iii) imposed a requirement that a brief that exceeded 5 megabytes must be filed with CD-ROM or DVD containing the brief and an index to the brief in addition to the requisite number of paper copies. Because briefs exceeding 5 megabytes may not be filed electronically, it should not be listed as a subparagraph under subsection (2) (relating to electronic filing). See § 1.32(b)(3) (relating to filing specifications; electronic filing; size restriction). To remedy this situation, we renumbered original subparagraph (iii) as new subsection (3) and entitled it as "Voluminous Briefs."

Conclusion

Accordingly, under 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501, and the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the regulations promulgated thereunder in 1 Pa. Code §§ 7.1, 7.2 and 7.5, the Commission will adopt as final the proposed regulations to permit electronic filing, as noted and set forth at 37 Pa.B. 6112 and in Annex A; *Therefore,*

Statement of Commissioner Kim Pizzigrilli

Today the Commission adopts final regulations to permit electronic filing of documents with the Secretary's Bureau and to formalize procedures for the service of documents in electronic formats. There were a number of comments filed during the proposed rulemaking phase. The Commission appreciates the input and commends staff for its efforts to address the comments and finalize the regulations in a timely manner.

It is important that the rules to accommodate electronic filing are in place when the Commission's Information Management and Access Project (InfoMAP) is fully operational. The revised regulations permit filers to submit certain documents electronically without filing paper copies and broaden the service rules to accommodate electronic service of documents by the PUC and between parties.

InfoMAP provides more efficient access by consumers, utilities and practitioners through the implementation of electronic filing and e-commerce initiatives. The Commission continues to provide updated information regarding the progress of InfoMAP at www.puc.state.pa.us/general/infomap.aspx.

KIM PIZZINGRILLI,
Commissioner

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapters 1 and 5, are amended by amending §§ 1.4, 1.16,

1.42, 1.54, 1.57, 1.58 and 5.533 to read as set forth at 37 Pa.B. 6112; and by amending §§ 1.8, 1.11, 1.32, 1.35—1.37, 1.51, 1.53, 1.56, 1.59, 5.502 and 5.533 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The Secretary shall submit this order, 37 Pa.B. 6112 and Annex A to the Office of Attorney General for approval as to legality.

3. The Secretary shall submit this order, 37 Pa.B. 6112 and Annex A to the Governor's Budget Office for review of fiscal impact.

4. The Secretary shall submit this order, 37 Pa.B. 6112 and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.

5. The Secretary shall certify this order, 37 Pa.B. 6112 and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

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

7. The contact person for this final-form rulemaking is Assistant Counsel Patricia Krise Burket, (717) 787-3464. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Review Assistant, Law Bureau, (717) 772-4597.

8. A copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

By the Commission

JAMES J. MCNULTY,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4693 (August 23, 2008).)

Fiscal Note: Fiscal Note 57-258 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter A. GENERAL PROVISIONS

§ 1.8. Definitions.

(a) Subject to additional definitions contained in subsequent sections which are applicable to specific chapters or subchapters, the following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Authorized agent—A person with permission to legally act on behalf of the filing user.

Confirmation of receipt—A notification generated by the electronic filing system upon receipt of a filing.

Electronic filing or filed electronically—Filing by means of the Commission's electronic filing system.

Electronic filing system—The Commission's automated system that receives and stores documents filed in elec-

tronic form. This system is part of the Commission's Information Management and Access Project.

* * * * *

Filing user—A person who has registered to use the electronic filing system in accordance with the registration instructions available on the Commission's web site at <http://www.puc.state.pa.us/> and who has obtained a user ID and password.

Filing user ID—The distinct code assigned by the Commission to an individual for use in the Commission's electronic filing system and deemed to be the individual's signature.

* * * * *

PDF—Portable Document Format.

* * * * *

Qualified document—A document that is listed in the categories of documents that are permitted to be filed electronically in accordance with the instructions on the Commission's web site at <http://www.puc.state.pa.us/> and that complies with the filing requirements and restrictions in § 1.32(b) (relating to filing specifications).

* * * * *

Writing or written—Applies to documents filed in paper form and documents filed electronically.

* * * * *

Subchapter B. TIME

§ 1.11. Date of filing.

(a) Whenever a pleading, submittal or other document is required or permitted to be filed under this title or by statute, it will be deemed to be filed on one of the following dates:

(1) On the date actually received in the office of the Secretary.

(2) On the date deposited with an overnight express delivery service as shown on the express delivery receipt attached to or included within the envelope containing the document.

(3) On the date deposited in the United States Mail as shown by the United States Postal Service stamp on the envelope or noted on a United States Postal Service Form 3817 certificate of mailing. A mailing envelope stamped by an in-house postage meter is insufficient proof of the date of mailing.

(4) On the date stated on the confirmation of receipt from the Commission's electronic filing system, when the time shown is prior to 4:30 p.m. local prevailing time in the Eastern Time Zone (United States of America) and the date shown is a day on which the Commission offices are open. When a document is filed electronically when the offices of the Commission are closed, the document will be deemed to be filed at the time the offices next open.

(b) Failure to include a legible delivery receipt with a document submitted in accordance with the methods specified in subsection (a)(2) or (3) may result in an untimely filing.

(c) A document transmitted by telefacsimile to the Commission will not be accepted for filing within the meaning of this section.

(d) Subsection (a) supersedes 1 Pa. Code § 31.11 (relating to timely filing required).

Subchapter D. DOCUMENTARY FILINGS

§ 1.32. Filing specifications.

(a) *Paper filings*. A paper filing made with the Commission must be:

(1) *Typewritten*. Pleadings, submittals or other documents filed in proceedings, if not printed, must be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by 10 1/2 to 11 inches long, with left-hand margin at least 1 inch wide and other margins at least 1 inch. The impression must be on only one side of the paper, unless there are more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Reproduced copies shall be accepted as typewritten, if copies are clearly legible.

(2) *Printed*. Printed documents must be at least 10-point type on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with inside margin at least 1 inch wide, and with double-ledged text and single-ledged, indented quotations.

(3) *Bound*. Pleadings, submittals and other documents, other than correspondence, must be stapled, fastened or otherwise bound at the left side only.

(b) *Electronic filings*.

(1) *Participation*. A person may register to use the electronic filing system in accordance with the registration instructions available on the Commission's web site at <http://www.puc.state.pa.us/>. Registration as a filing user constitutes an agreement to receive electronic service, unless the filing user indicates upon registration that the filing user does not agree to receive electronic service. A person will not be required to register to use the electronic filing system to be a party in a Commission proceeding. A person that does not register to use the electronic filing system shall file and serve documents, and shall be served in accordance with the rules in Chapters 1, 3 and 5 (relating to rules of administrative practice and procedure; special provisions; and formal proceedings) for the filing and service of documents in paper form.

(2) *Requirements*. An electronic filing made with the Commission must:

(i) Comply with the requirements in subsection (a) regarding margins, spacing and type size.

(ii) Be a qualified document that is listed in the categories of documents that the Commission, after notice and opportunity to be heard, has designated as being permitted to be filed electronically.

(iii) Be in PDF format so that the document, and when feasible, its attachments, shall be capable of being printed and copied without restriction, and may not require a password to view the contents.

(iv) Be filed in accordance with the instructions made available on the Commission's web site at <http://www.puc.state.pa.us/>.

(3) *Size restriction*. A filing, including attachments, that exceeds 5 megabytes may not be filed electronically.

(4) *Restriction for filings containing confidential information*. Filings containing confidential information, including confidential security information, as defined in section 2 of the Public Utility Confidential Security Information Disclosure Protection Act (35 P. S. § 2141.2) and sensitive and confidential information protected as an exemption to public disclosure under section 708(b) of the

Right-to-Know Law (65 P. S. § 67.708(b)) regarding exceptions for public records may not be filed electronically. Filings containing confidential information shall be filed in paper form. Redacted, public versions of those filings shall be filed in paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions on the electronic filing system.

(5) *Confirmation of receipt.* The electronic filing system will generate a notice confirming the successful receipt of a filing made electronically. The notice will contain the date and time that the filing was received and a link to the filing.

(6) *Revocation of participation in the electronic filing system.*

(i) *Revocation by the filing user.* Filing users may revoke their participation in the electronic filing system for all Commission proceedings by filing a notice of revocation with the Secretary. The notice must contain the user's name, user ID, address and e-mail addresses, the name of the party that the user represents, the names of all authorized users on the same account, the effective date of the revocation, and all Commission proceedings in which the user is a party or participant, or provides representation. Upon receipt of the notice, the Commission will cancel the filing user's user ID and password. Filing users who are parties in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation and file with the Secretary a certificate of service consistent with §§ 1.57 and 1.58 (relating to certificate of service; and form of service) memorializing this service.

(ii) *Revocation by the Commission.* The Commission may revoke a filing user's participation in the electronic filing system and may cancel the filing user's user ID and password, after providing the filing user with notice, when the Commission determines that the filing user is abusing the electronic filing privileges. Filing users whose user ID and password have been revoked and who are parties in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation and file with the Secretary a certificate of service consistent with §§ 1.57 and 1.58 memorializing this service.

(iii) *Abuse of electronic filing privileges.* Abuse of the Commission's electronic filing privileges includes knowingly permitting unauthorized use of a user ID and password and knowingly engaging in actions that interfere with the security of the electronic filing system, including the introduction of a virus or destructive programming into the electronic filing system.

(c) *Supersession.* Subsection (a) is identical to 1 Pa. Code § 33.2 (relating to form).

§ 1.35. Execution.

(a) *Signature.*

(1) *Paper filings.* A pleading, submittal or other document must be signed in ink by the party in interest, or by the party's attorney, as required by subsection (b), and show the office and mailing address of the party or attorney. An original hard copy must be signed, and other copies filed must conform thereto unless otherwise ordered by the Commission.

(2) *Electronic filings.* An electronic filing must include an electronic signature when it is filed on the Commis-

sion's electronic filing system by a filing user or authorized agent by means of a user ID and password. A filing must include:

(i) A notation on the first page that it has been electronically filed.

(ii) A signature block and the name, office, and e-mail address of the filing user.

(3) *Limitation on user ID and password.* Each filing user may determine the number of authorized agents who may use the filing user's user ID and password. A filing user may not knowingly permit or cause to permit a user ID and password to be used by anyone other than an authorized agent of the filing user.

(b) *Signatory.*

(1) A pleading, submittal or other document filed with the Commission must be signed by one of the following:

(i) The person filing the documents, and severally if there is more than one person so filing.

(ii) An officer if it is a corporation, trust, association or other organized group.

(iii) An officer or employee thereof if it is another agency, a political subdivision, or other governmental authority, agency or instrumentality.

(iv) An attorney having authority with respect thereto.

(2) A document filed by a corporation, trust, association or other organized group, may be required to be supplemented by appropriate evidence of the authority of the officer or attorney signing the documents.

(c) *Effect.*

(1) The signature of the individual signing a document filed with the Commission constitutes a certificate by the individual that:

(i) The individual has read the document being signed and filed, and knows the contents thereof.

(ii) The document has been signed and executed in the capacity specified upon the document with full power and authority to do so, if executed in a representative capacity.

(iii) The document is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, to the best of the individual's knowledge, information and belief formed after reasonable inquiry.

(iv) The document is not interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(2) If a document is signed in violation of this subsection, the presiding officer or the Commission, upon motion or upon its own initiative, may impose upon the individual who signed it, a represented party, or both, an appropriate sanction, which may include striking the document, dismissal of the proceeding or the imposition of civil penalties under section 3301 of the act (relating to civil penalties for violations).

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code § 33.11 (relating to execution).

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the

party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a verification is filed electronically, the verification shall be executed by a filing user, or if the verification is signed by an individual who is not a filing user, a filing user may file the verification electronically by scanning the original verification and submitting it as an attachment to a filing. When a verification is signed by an individual who is not a filing user, the original verification shall be filed in paper form no later than 3 business days after the electronic filing is made. The filing date for the verification in paper form will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing). The docket number for the filing must be clearly indicated on the original verification. When verification is permitted, notarization is not necessary.

(b) The verification form should comply substantially with the following:

VERIFICATION

I, _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: _____

 (Signature)

(c) When an affidavit is used, it must be notarized. A filing user may file an affidavit electronically by scanning the original affidavit and submitting it as an attachment to a filing. When an affidavit is filed electronically, the original affidavit shall be filed in paper form no later than 3 business days after the electronic filing is made. The filing date for the affidavit in paper form will be determined in accordance with § 1.11(a)(1)—(3). The docket number for the filing must be clearly indicated on the original affidavit. The affidavit form should comply substantially with the following:

AFFIDAVIT

I, _____, (Affiant) being duly sworn (affirmed) according to law, depose and say that (I am authorized to make this affidavit on behalf of _____ corporation, being the holder of the office of _____ with that corporation, and that, I am an employee or agent of and have been authorized to make this affidavit on its behalf and that) the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and (I or corporation) expect to be able to prove the same at any hearing hereof.

 (Signature of affiant)

Sworn and subscribed before me this _____ day of __, 2____.

 (Signature of official administering oath)
 (My Commission Expires)

(d) An applicant for motor carrier rights shall include in the verification the following statement:

Applicant is not now engaged in intrastate transportation of property or passengers for compensation in this Commonwealth except as authorized by the

Pennsylvania Public Utility Commission certificate or permit, and will not engage in the transportation for which approval is herein sought, unless and until the transportation is authorized by your Honorable Commission.

(e) An individual who executes a pleading, submittal or other document knowing that it contains a false statement and who causes it to be filed in the Commission shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa.C.S. § 4904(a).

(f) Subsections (a)—(e) supersede 1 Pa. Code § 33.12 (relating to verification).

§ 1.37. Number of copies.

(a) *Paper filings.* When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and three copies of each, including the cover letter, shall be furnished to the Commission at the time of filing, except when:

(1) The document is an application or petition, one copy may be filed without exhibits.

(2) The document is a complaint or petition and more than one respondent is named, an additional copy of the complaint or petition shall be filed for each additional respondent.

(3) The document is subject to a statutory requirement or is otherwise ordered or requested by the Commission, a different number of copies may be designated.

(4) The document is subject to § 5.502 or § 5.533 (relating to copies and form of documentary evidence; filing and service of briefs; and procedure to except to initial, tentative and recommended decisions), the filing must conform to the requirements in the applicable section.

(5) A filing, including attachments, exceeds 5 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) *Electronic filings.*

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed 5 megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed 5 megabytes, the filing user may file one electronic copy on the electronic filing system and shall also file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted. The filing date for the qualified document in paper form will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).

(c) Subsections (a)—(c) supersede 1 Pa. Code § 33.15 (relating to number of copies).

Subchapter F. SERVICE OF DOCUMENTS

§ 1.51. Instructions for service, notice and protest.

(a) *General rule.* Upon receiving an application, the Secretary will instruct the applicant or petitioner concerning the required service and public notice consistent with this section.

(b) *Service list for parties.* The Commission will make available to filing users on the electronic filing system a service list for each docket in which they are a party that contains the following provisions:

- (1) The names and addresses of the parties.
- (2) An indication of whether or not a party has agreed to receive electronic service.
- (3) The e-mail addresses of parties who have agreed to receive electronic service.

§ 1.53. Service by the Commission.

(a) *Applicability.* This section applies to service of an order, notice or other document originating with the Commission and other documents designated by the Commission, except when the Commission specifically requires a different form of service.

(b) *Forms of service.*

(1) *First class mail.* Service may be made by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business.

(2) *Personal.* Service may be made personally by anyone authorized by the Commission.

(3) *Electronic.* Service may be made electronically to filing users who have agreed to receive electronic service. Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing system and providing a link to the document on the same day the document is posted.

(c) *Registered or certified mail.* Service of a petition under § 3.391 (relating to arbitration of claims for billing and collecting services), and service of a complaint under section 702 of the act (relating to service of complaint on parties) must be by registered or certified mail, return receipt requested.

(d) *Change of address.* It is the duty of a party to apprise the Commission promptly of changes to the party's current address.

(e) *Alternative service.* If the Commission is unable to serve a party by mail at the party's last known address, the Commission may make service by publication in a newspaper of general circulation in the same area as the party's last known address. In the alternative, service may also be accomplished by publication in the *Pennsylvania Bulletin* or by service on the Secretary of the Commonwealth, if appropriate.

(f) *Supersession.* Subsections (a)—(e) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

§ 1.56. Date of service.

(a) The date of service shall be the day when the document served meets one of the following conditions:

- (1) The document is deposited in the United States mail.
- (2) The document is deposited with an overnight express package delivery service.
- (3) The document is delivered in person.

(4) The document is transmitted by telefacsimile or electronic mail as provided in § 1.54(b) (relating to service by a party) prior to 4:30 p.m. local prevailing time in the Eastern Time Zone (United States of America).

(5) The document enters an information processing system designated by the recipient for the purpose of

receiving service and from which the recipient is able to retrieve the served document in a form capable of being processed by the recipient's system prior to 4:30 p.m. local prevailing time in the Eastern Time Zone (United States of America).

(b) Unless otherwise prescribed by the Commission or presiding officer, whenever a party is required or permitted to do an act within a prescribed period after service of a document upon the party and the document is served by first-class mail by the United States Postal Service, 3 days shall be added to the prescribed period.

(c) Subsection (a) supersedes 1 Pa. Code § 33.34 (relating to date of service).

§ 1.59. Number of copies to be served.

(a) One copy of a document shall be served on the presiding officer if one has been designated.

(b) The following number of copies of documents shall be served on other parties in a proceeding:

- (1) Briefs:
 - (i) Service of hard copies—two copies.
 - (ii) Service by telefacsimile or electronic mail, when permitted—one copy.
- (2) Other documents—one copy.

(c) When a document, including attachments, exceeds 5 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies; paper copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 33.37 (relating to number of copies).

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter G. BRIEFS

§ 5.502. Filing and service of briefs.

(a) *Service.* Copies shall be served on the parties in accordance with § 1.59(b) and (c) (relating to number of copies to be served).

(b) *Number of copies.*

(1) *Paper filing.* An original and nine copies of a brief shall be filed with the Commission under § 1.4 (relating to filing generally).

(2) *Electronic filing.*

(i) When the brief, including attachments, is 250 pages or less and does not exceed 5 megabytes, the filing user may file one electronic copy of the brief with the Commission and is not required to file a paper copy.

(ii) When the brief, including attachments, exceeds 250 pages but does not exceed 5 megabytes, the filing user may file one electronic copy of the brief and shall also file an original of the brief in paper form. The original shall be filed no later than 3 business days after the electronic filing is made. The filing date for the brief in paper form for purposes of this section will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).

(3) *Voluminous briefs.* When the brief, including attachments, exceeds 5 megabytes, in addition to filing the requisite number of hard copies in accordance with subsection (b)(1), a CD-ROM or DVD containing the brief and an index to the brief shall be filed with the Commission.

(c) *Filing of briefs in nonrate proceedings.*

(1) *Initial brief.* An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.

(2) *Response brief.* A party may file a response brief to the initial brief.

(d) *Filing of briefs in rate proceedings.*

(1) *Main brief.* A main brief may be filed by a party except as provided by agreement or by direction of the presiding officer.

(2) *Reply brief.* A party may file a reply brief to a main brief regardless of whether the party filed a main brief.

(e) *Filing of amicus curiae briefs.* A person interested in the issues involved in a Commission proceeding, although not a party, may, without applying for leave to do so, file amicus curiae briefs in regard to those issues. Unless otherwise ordered, amicus curiae briefs shall be filed and served in the manner and number required and within the time allowed by this section, absent good cause.

(f) *Deadlines.* Initial briefs, main briefs, responsive briefs and reply briefs shall be filed and served within the time fixed by the presiding officer. If no specific times are fixed, initial briefs or main briefs shall be filed and served within 20 days after the date of service of notice of the filing of the transcript and responsive briefs or reply briefs shall be filed within 40 days after date of service of the notice of the filing of the transcript.

(g) *Late-filed briefs.* Briefs not filed and served on or before the dates fixed therefore will not be accepted, except by special permission of the Commission or the presiding officer as permitted under § 1.15 (referring to extensions of time and continuances).

(h) *Supersession.* Subsections (a)—(f) supersede 1 Pa. Code §§ 35.191 and 35.193 (relating to proceedings in which briefs are to be filed; and filing and service of briefs).

[Pa.B. Doc. No. 08-1747. Filed for public inspection September 26, 2008, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 461a]

Slot Machine Testing and Control

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general powers) and the specific authority in 4 Pa.C.S. § 1207 (relating to regulatory authority of the board), amends Chapter 461a (relating to slot machine testing and control) to read as set forth at 38 Pa.B. 343 (January 19, 2008) and in Annex A.

Purpose of the Final-form Rulemaking

This final-form rulemaking adds provisions governing how slot machine licensees should treat unredeemed gaming vouchers.

Explanation of Chapter 461a

This final-form rulemaking amends §§ 461a.1 and 461a.8 (relating to definitions; and gaming vouchers). In § 461a.1, the Board is adding a definition of "unredeemed gaming voucher." In § 461a.8, the Board is adding new

requirements which must be addressed in each slot machine licensee's internal controls. More specifically, slot machine licensees will be required to establish procedures: to pay the value of unredeemed gaming vouchers exceeding \$25 to patrons that can be identified by the slot machine licensee; to track unredeemed gaming vouchers and forward the unredeemed gaming vouchers to the Treasury Department (Treasury) as required by Article XIII.1 of The Fiscal Code (72 P.S. §§ 1301.1—1301.28a) (code), referred to as the Disposition of Abandoned and Unclaimed Property Act (DAUPA); and to file copies of any reports submitted to Treasury related to the unredeemed vouchers with the Board.

Comment and Response Summary

Notice of proposed rulemaking was published at 38 Pa.B. 343.

The Board received comments on the proposed rulemaking from the Treasury, Downs Racing, L.P. (Downs), Greenwood Gaming and Entertainment, Inc. (Greenwood), Washington Trotting Association, Inc. (WTA) and the Independent Regulatory Review Commission (IRRC). Those comments were reviewed by the Board and are discussed in detail as follows.

Treasury noted that the proposed amendments require slot machine licensees to establish various procedures, but do not require the slot machine licensees to implement or follow them.

The procedures required by this final-form rulemaking are to be made part of the slot machine licensees' internal controls. Under § 465a.2 (relating to internal control systems and audit protocols), slot machine licensees' internal controls must be approved by the Board and complied with by the slot machine licensees. Therefore, an explicit compliance provision does not need to be added to the final-form rulemaking.

IRRC asked for an explanation of why the Board eliminated the provisions related to expiration dates on gaming vouchers. The Board took this action in response to a legal opinion it received from Treasury that unredeemed gaming vouchers are property subject to the DAUPA. They do not expire and the value of any gaming voucher shall be forwarded to Treasury if it is not redeemed within 5 years.

In their comments, Downs recommended that the requirement to track the value of unredeemed gaming vouchers be eliminated. They argued that the value of unredeemed gaming vouchers is usually quite small and the administrative costs incurred would generally exceed the value of the unredeemed gaming vouchers. Greenwood also shared Downs' concerns as to the costs of tracking unredeemed gaming vouchers.

The Board agrees that the administrative costs associated with these requirements will be significant. However, the tracking of the vouchers is necessary to meet the statutorily mandated reporting requirements under DAUPA. The Board believes that slot machine licensees will be able to modify their existing computer systems to produce the reports that will be needed to compile the information that will be required to meet Treasury's reporting requirements.

Both Downs and Greenwood also suggested that the Board adopt a shorter time frame, 1 year rather than 5 years, for tracking unredeemed gaming vouchers and forwarding them to Treasury. They also suggested that the Board adopt provisions similar to those of the Horse and Harness Racing Commissions' regulations that re-

quire the forwarding to Treasury, the value of any unredeemed pari-mutuel tickets after April 1 of the year following their purchase.

The Board agrees that the suggestion to mirror the regulations of the Horse and Harness Racing Commissions would be a reasonable approach. However, the Horse and Harness Racing Commissions' regulations are based on a specific statutory provision contained in 4 Pa.C.S. § 325.202(b)(3) (relating to general powers of the commission). The Pennsylvania Race Horse Development and Gaming Act (4 Pa.C.S. Part II) does not contain a similar provision, and for this reason, the Board has no authority to adopt such a provision.

The Board also notes that these regulations do not specify any time period. This is because the Board does not have the authority to establish the retention period; the provisions of DAUPA are controlling. While the 5-year period in DAUPA applies to unredeemed gaming vouchers, section 1301.13 of the code (72 P.S. § 1301.13) regarding payment or delivery, does allow earlier delivery to Treasury with the consent of the State Treasurer. The Board encourages the slot machine licensees to discuss this option with Treasury.

Concerning the requirement to make payment of the value of unredeemed gaming vouchers to the owner if the owner can be identified, commentators have: questioned the feasibility and practicality of this provision; suggested that it be eliminated; or asked that the Board set a minimum amount that must be met before payment would be required.

Concerning the feasibility, slot machine licensees all use player tracking software that allows the slot machine licensees to track individual's play and that would be capable of identifying any unredeemed gaming vouchers that were won by a player if the player is using their player card. While this will require some modifications to the slot machine licensees' computer systems, these changes would have to be made anyway because Treasury requires that the names and addresses of individuals who have unclaimed property be reported if known.

It was not the Board's intention that slot machine licensees be required to identify the winner of an unredeemed gaming voucher beyond those individuals who could be identified through the player tracking systems. To clarify this intention, the phrase "through the slot machine licensee's player tracking system" has been added to the end of the proposed language in § 461a.8(d)(9).

Concerning the practicality of this requirement, the Board agrees that requiring refunds of de minimis amounts is unreasonable. Accordingly, the Board has amended § 461a.8(d)(9) to only require payment when the individual or aggregated value of unredeemed gaming vouchers is \$25 or more. This level corresponds to the highest threshold suggested by commentators and strikes a reasonable balance between the amount of money to be paid and the administrative costs involved. Slot machine licensees would, however, have the option to adopt a lower threshold for making payments if they so desire.

Finally, Greenwood and WTA suggested that if the Board proceeds with the proposed amendments, that the Board provide a period of time for slot machine licensees to make the necessary changes to their computer systems. The Board agrees that this is a reasonable request and has deferred the effective date of this final-form rulemaking until December 26, 2008.

Affected Parties

This final-form rulemaking will affect slot machine licensees by establishing specific requirements as to how they should treat unredeemed gaming vouchers.

There are currently 11 slot machine licensees.

Fiscal Impact

Commonwealth

There will be no new costs to the Board or other Commonwealth agencies as a result of this rulemaking. Reports filed with the State Treasurer by the slot machine licensees will be handled by existing staff.

Political Subdivisions

This final-form rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

Slot machine licensees will be required to track unredeemed gaming vouchers and forward them to the State Treasurer as required by DAUPA.

General Public

This final-form rulemaking may result in some patrons receiving payment for gaming vouchers that they did not redeem.

Paperwork requirements

This final-form rulemaking will require slot machine licensees to annually prepare reports for the State Treasurer and submit copies of those reports to the Board.

Contact Person

The contact person for questions about this final-form rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 9, 2008, the Board submitted a copy of the proposed rulemaking, published at 38 Pa.B. 343, and a copy of the Regulatory Analysis Form to IRRC and the Chairpersons of the House Gaming Oversight Committee and the Senate Committee on Community, Economic and Recreational Development Committee (Committees).

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.51(j.2)), on August 20, 2008, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e), of the Regulatory Review Act (71 P.S. § 745.5a(e)), IRRC met on August 21, 2008, and approved the final-form rulemaking.

Findings

The Board finds that:

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

(2) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II.

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(a) The regulations of the Board, 58 Pa. Code Chapter 461a, are amended by amending § 461a.1 to read as set forth at 38 Pa.B. 343 and by amending § 461a.8 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) This order shall take effect December 26, 2008.

MARY DIGIACOMO COLINS,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4961 (September 6, 2008).)

Fiscal Note: Fiscal Note 125-78 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

§ 461a.8. Gaming vouchers.

* * * * *

(b) The design specifications for a gaming voucher, the voucher verification methodologies utilized and any limitation on the value of a gaming voucher must be in compliance with technical standards on gaming vouchers under § 461b.3 (relating to gaming vouchers).

* * * * *

(d) Prior to issuing a gaming voucher, a slot machine licensee shall establish a system of internal controls for the issuance and redemption of gaming vouchers. The internal controls shall be submitted and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols) and address:

(1) Procedures for assigning a slot machine's asset number and identifying other redemption locations in the system, and enabling and disabling voucher capabilities for slot machines and redemption locations.

(2) Procedures for issuance, modification and termination of a unique system account for each user in accordance with technical standards under § 461b.3.

(3) Procedures used to configure and maintain user passwords in accordance with technical standards under § 461b.3.

(4) Procedures for restricting special rights and privileges, such as administrator and override capabilities, in accordance with technical standards under § 461b.3.

(5) The duties and responsibilities of the information technology, internal audit, slot operations and finance departments, respectively, and the level of access for each position with regard to the gaming voucher system.

(6) A description of physical controls on all critical hardware such as locks and surveillance, including the location and security protocols applicable to each piece of equipment.

(7) Procedures for the backup and timely recovery of critical data in accordance with technical standards under § 461b.3.

(8) Logs used to document and maintain the details of Board-approved hardware and software modifications upon implementation.

(9) Procedures for the payment of the value of unredeemed gaming vouchers, which individually or in the aggregate equal \$25 or more, to a patron whose identity can be determined by the slot machine licensee using the slot machine licensee's player tracking system.

(10) Procedures for the retention, tracking and payment of the value of unredeemed gaming vouchers to the State Treasurer as required by Article XIII.I of The Fiscal Code (72 P. S. §§ 1301.1—1301.28a) regarding the disposition of abandoned and unclaimed property.

(11) Procedures for filing with the Board a copy of any report submitted to the State Treasurer as required by Article XIII.I of The Fiscal Code.

* * * * *

[Pa.B. Doc. No. 08-1748. Filed for public inspection September 26, 2008, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions 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 September 16, 2008.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-11-2008	Wilmington Trust Interim Savings Bank Villanova Delaware County	Villanova	Approved and Effective
	The purpose of Wilmington Trust Interim Savings Bank is to merge with Wilmington Trust of Pennsylvania, Villanova.		

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-11-2008	Wilmington Trust Interim Savings Bank, Villanova, and Wilmington Trust of Pennsylvania, Villanova Surviving Institution: Wilmington Trust Interim Savings Bank, Villanova	Villanova	Approved
	Application filed in conjunction with the proposed merger of Wilmington Trust Interim Savings Bank, Villanova, PA, and Wilmington Trust FSB, Baltimore, MD. Both institutions are wholly-owned subsidiaries of Wilmington Trust Corporation, Wilmington, DE.		

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-2-2008	PeoplesBank, A Codorus Valley Company York York County	65 Eisenhower Drive Hanover York County	Opened
9-11-2008	Brentwood Bank Bethel Park Allegheny County	The Devonshire of Mt. Lebanon 1050 McNeilly Road Pittsburgh Allegheny County (Limited Service Facility)	Filed
9-11-2008	Brentwood Bank Bethel Park Allegheny County	UPMC Vanadium Woods Village 50 Vanadium Road Bridgeville Allegheny County (Limited Service Facility)	Filed
9-11-2008	Brentwood Bank Bethel Park Allegheny County	UPMC Strabane Trails Village 317 Wellness Way Washington Washington County (Limited Service Facility)	Filed

NOTICES

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-8-2008	Reliance Savings Bank	<i>To:</i> 401 South Logan Boulevard Altoona Blair County <i>From:</i> 109 Logan Boulevard Altoona Blair County	Effective

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
9-9-2008	Susquehanna Bank DV Bryn Mawr Montgomery County	3600 Fairview Street Routes 22 and 512 Bethlehem Northampton County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1749. Filed for public inspection September 26, 2008, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2008

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2008, is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.21 to which was added 2.50 percentage points for a total of 6.71 that by law is rounded off to the nearest quarter at 6 3/4%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1750. Filed for public inspection September 26, 2008, 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 Environmental Protection Agency (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>
PA-0060356 (Sewage)	Camp Wayne For Boys, Inc. 15 Camp Wayne Road Preston Park, PA 18455	Wayne County Buckingham Township	Lower Twin Lake 1A	Y
PA-0060712 (Sewage)	Grace & Truth Evangelistic Association Rock Mountain Bible Camp P. O. Box 64 South Gibson, PA 18842-0064	Susquehanna County Gibson Township	UNT Tunkhannock Creek 4F	Y

Chesapeake Bay nutrient monitoring requirements for ammonia nitrogen, kjeldahl nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<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>
PA0062448 (Sewage)	Charles A. Prizzi and Leda Scognomiglio 104 Florence Drive Shohola, PA 18458	Pike County Dingman Township	Nitche Pond 1D	Y
PA0063843 (Industrial)	Municipal Authority of the Borough of Milford 120 Pear Alley P. O. Box 459 Milford, PA 18337	Pike County Milford Township	Vantine Brook 1D	Y

<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-0060780 (Minor Sewage)	Leggett and Platt, Inc. 515 Salem Boulevard Berwick, PA 18603	Salem Township Luzerne County	UNT to Susquehanna River	Y

Chesapeake Bay Nutrient Monitoring Requirements for ammonia nitrogen, kjeldahl nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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>
PA0228061 Sewerage	Total Environmental Solutions, Inc. 906 Beaver Drive DuBois, PA 15801	Sandy Township Clearfield County	Narrows Creek 17C	Y
PA0228699 (Sewage)	Walter Edwin Badeau Single Residence SFTF 7421 Mason Hill Road Driftwood, PA 15832-4325	Portage Township Cameron County	Cowley Run HQ-CWF	Y
PA0113883 (Sewage)	George and Janet Bittner Bittner's Mobile Home Park STP 68 Route 14 Highway Trout Run, PA 17771	Lewis Township Lycoming County	Lycoming Creek TSF	Y
PA0208639 (Sewage)	Hartleton Borough Municipal Authority Hartleton Borough WWTP P. O. Box 31 Hartleton, PA 17829	Hartleton Borough Union County	Cold Run TSF	Y
PA0021652 SP	Kreamer Municipal Authority P. O. Box 220 Kreamer, PA 17833-0220	Snyder County Middlecreek Township	Middle Creek 6A	Y
PA0113727	MOHOP, LLC P. O. Box 786 Clearfield, PA 16830	Clearfield County Sandy Township	Muddy Run 17C	Y
PA0110230 (Sewage)	Lycoming Country Recreation Authority White Deer Golf Course 352 Allenwood Camp Lane Montgomery, PA 17752	Clinton Township Lycoming County	UNT to Black Hole Creek TSF	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PA0070289-A1, Sewage, **Schuylkill County Municipal Authority**, 221 South Centre Street, Pottsville, PA 17901. This existing facility is located in West Brunswick Township, **Schuylkill County**.

Description of Proposed Activity: Transfer of NPDES permit for the Pinebrook II Wastewater Treatment Facility, and amendment to include conditions and average weekly effluent limits applicable to POTWs.

The receiving stream, Pine Creek, is in the State Water Plan Watershed 03A and is classified for: CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Pottstown Borough Water Authority is located on the Schuylkill River more than 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.12 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25.0	40.0	50.0
Total Suspended Solids	30.0	45.0	60.0
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		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	1.0		2.0

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Application No. PAS 803501, Industrial Waste, SIC Code 4581, **Susquehanna Area Regional Airport Authority and Co-Permittees**. This facility is located in Lower Swatara Township, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Susquehanna River and Post Run, is in Watershed 7-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Columbia Water Company located on the Susquehanna River, approximately 19 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfalls 001—011 are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX
Glycol	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 105 are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Suspended Solids	XXX	XXX	75	XXX	187
Benzene	XXX	XXX	0.005	XXX	0.0125
Vinyl Chloride	XXX	XXX	0.002	XXX	0.005
Trichloroethylene	XXX	XXX	0.005	XXX	0.0125
Cis-1,2-Dichloroethylene	XXX	XXX	0.07	XXX	0.175

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0261165, Sewage, **Cumberland Township Authority**, 1370 Fairfield Road, Gettysburg, PA 17325. This facility is located in Cumberland Township, **Adams County**.

Description of activity: The application is for issuance of an NPDES permit for a new discharge of treated sewage.

The receiving stream, Marsh Creek, is in Watershed 13D, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Frederick, MD is located on the Monocacy River, greater than 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.250 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	1.6
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform	200/100 ml as a Geometric Average		
(5-1 to 9-30)	2,000/100 ml as a Geometric Average		
(10-1 to 4-30)			

Chesapeake Bay Requirements

	Concentration (mg/l)		Mass (lbs)
	Monthly Average	Monthly	Annual
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX

NOTICES

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	7,306*
Net Total Phosphorus	XXX	Report	Report	934*

* The Total Nitrogen and Total Phosphorous Cap Loads in this permit may be increased by applying offsets. The offsets will be determined and included in the final permit.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0259853, CAFO, **Hillandale Gettysburg, LP**, 370 Spicer Road, Gettysburg, PA 17325. Hillandale Gettysburg, LP has submitted an application to amend the existing Individual NPDES permit for an existing CAFO known as the Hillandale Site 2 Farm, located in Tyrone Township, **Adams County**.

The CAFO is situated near UNTs of Conewago Creek, which are classified for WWF. The CAFO is currently designed to maintain an animal population of approximately 4,182 animal equivalent units (AEUs) consisting of 1,000,000 laying hens and 595,000 pullets. Hillandale has proposed expansion of the farm including construction of nine new layer barns, two new egg washwater storage facilities and two new egg processing facilities. The expansion plan also calls for the remodeling of two pullet barns and decommissioning of five pullet barns. When the proposed expansion is complete the CAFO will maintain an animal population of approximately 10,376 AEUs consisting of 2,775,000 laying hens and 500,000 pullets. Dry poultry manure will be stored in centralized manure storage buildings at the layer sites, and within the poultry houses at the pullet sites. Currently eggs are processed at the layer site, and egg washwater is stored in a storage structure with a capacity of approximately 650,000 gallons. Hillandale has proposed to construct two new storage impoundments with a total capacity of approximately 980,000 gallons to provide storage for wastewater generated at the proposed egg processing facilities.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

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

PA0217883, Sewage, **Encotech Incorporated**, P. O. Box 305, Eighty Four, PA 15330.

PA0205257, Sewage, **Greensboro Monongahela Township Joint Sewer Authority**, P. O. Box 342, Greensboro, PA 15338-0342. This application is for renewal of an NPDES permit to discharge treated sewage from Greensboro Monongahela Township Sewage Treatment Plant in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Back Channel of the Monongahela River, which are classified as a WWF 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 Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.110 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.165 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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094102, Sewage, **Thom A. Yohe**, 405 Vista Valley Road, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from Airways Mobile Home Park Sewage Treatment Plant in South Franklin Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Chartiers Creek, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Western Pennsylvania Water Company.

Outfall 001: existing discharge, design flow of 0.01 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)	4.5			9.0
(11-1 to 4-30)	13.5			27.0
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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0253766, Sewage, **Rox Coal, Inc.**, P. O. Box 260, Friedens, PA 15541. This application is for issuance of an NPDES permit to discharge treated sewage from Kimberly Run Mine STP in Somerset Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Kimberly 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 Ohiopyle Borough Municipal Water Works.

Outfall 001: new discharge, design flow of 0.001925 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
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

PA0240231, Sewage, **Ernest and Joyce Beach**, 510 Pittsville Road, Kennerdell, PA 16374. This proposed facility is located in Rockland Township, **Venango County**.

Description of Proposed Activity: New NPDES permit to discharge treated sewage.

The receiving water is the Shull Run. The receiving stream is in State Water Plan 16-G and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company, is located on the Allegheny River and is approximately 12 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	10		20
Total Suspended Solids	20		40
Fecal Coliform	200/100 ml as a Geometric Average		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report.

The EPA waiver is in effect.

PA0036617, Sewage, **Mark A. Marcucci, d/b/a Remark Estates Mobile Home Park**, 26 Kirkland Road, West Middlesex, PA 16158. This proposed facility is located in Lackawannock Township, **Mercer County**.

Description of Proposed Activity: New permit for an existing discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority is located on the Beaver River and is approximately 37 miles below point of discharge.

The receiving stream, the UNT to Little Neshannock Creek, is in Watershed 20-A and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01350 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N			
(5-1 to 10-31)	4		8
(11-1 to 4-30)	12		24
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		
Total Residual Chlorine	1.4		3.3
Dissolved Oxygen	minimum of 3.0 mg/l at all times		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

Application No. PA 0026743, Sewage, **City of Lancaster**, 120 North Duke Street, Lancaster, PA 17608. This facility is located in Lancaster City, **Lancaster County**.

Description of activity: The application is for amendment of an NPDES permit for existing discharge of treated sewage.

The receiving stream, Conestoga River, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 22 miles downstream. The discharge is expected to affect the water supply.

The existing permit will be amended to include the current Chesapeake Bay nutrient trading language in the permit's Part C conditions.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001)

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. 0908402, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Upper Dublin Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a sewage pump station to service a residential development.

WQM Permit No. 4608412, Sewerage, **Borough of Bryn Athyn**, P. O. Box 683, 2835 Buck Road, Bryn Athyn, PA 19009. This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: To rerate hydraulic capacity to treat maximum flow to 0.08 mgd.

WQM Permit No. 2308403, Sewerage, **Newtown Township Municipal Authority**, 209 Bishop Hollow Road, Newtown, PA 19073. This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Development of 4.00 acres of land proposed for residential development utilizing low pressure sewer to convey sanitary waste.

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

WQM Permit No. 3508402, Sewerage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18519-9068. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Action/Activity: This project is for the expansion and rehabilitation of the existing Throop Wastewater Treatment Plant to include replacement of equipment and construction of new ancillary facility adjacent to existing treatment process.

WQM Permit No. 1308403, Sewerage, **Department of Conservation and Natural Resources, Bureau of State Parks**, 2950 Pohopoco Drive, Lehighton, PA 18235. This proposed facility is located in Franklin Township, **Carbon County**.

Description of Proposed Action/Activity: This project includes replacement of an existing lift station, installation of a larger flow equalization tank, installation of a new comminutor and bypass barscreen, installation of new blowers, replacement of sand filter media and replacement of the existing chlorine disinfection system with an ultraviolet disinfection system.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

WQM Permit No. 2170402, Amendment 08-1, Sewerage, **Lemoyne Municipal Authority**, 3 Lowther Street, Lemoyne, PA 17403-2039. This proposed facility is located in Lemoyne Borough, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Relocation of the Lower Sewer Trunk. Construct 2,800 linear feet of 30" diameter gravity sanitary sewer pipe along the abandoned railroad corridor between the Lemoyne Treatment Plant and MH 185 near Bossler Avenue and First Street. Construct additional 12" diameter gravity sanitary sewer pipe to connect the existing Hummel Avenue sewer to the new trunk sewer. Abandon 1,800 linear feet of existing 12", 15" and 18" gravity sewer located between the treatment plant and MH 185. Relocate 200 feet of 12" forcemain located in the public park north of the treatment plant. The new gravity sewer replaces structurally failed pipeline. The relocated force main is associated with a new railroad track planned for construction by Norfolk Southern.

WQM Permit No. 0108403, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Seeking authorization for an upgrade to the Hanover Area Regional Wastewater Treatment Plant.

WQM Permit No. 608204, CAFO, **Rohrer Dairy Farm, LLC**, 124 Charlestown Road, Washington Borough, PA 17582. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Expansion at Roher Dairy Farm: Construction/Operation of a deep pit heifer facility in conjunction with the closure of two offsite heifer raising facilities. The proposed barn is 253' by 108' 4" and will have an underhouse manure storage structure located under the animal living area. In addition to the new heifer barn, there are two existing underhouse dairy freestall barns onsite with storage capacities of approximately 2.7 million gallons and 2.2 million gallons, a 62' by 23' slurry storage with a storage capacity of approximately 0.49 million gallons, and two 32' by 12' underground storage concrete manure storages with approximately 138,000 gallons of storage. Three-Hundred and fifty heifers with an average weight of 900 will be housed within the heifer barn. The animals living within the

heifer barn will generate a total of 1,064,720 gallons of manure per year which includes 20,570 gallons of bedding. No wash water is generated within the barn. The three cell storage structures inside dimensions are 107' by 83' 3" by 5' 0" deep and provide for a storage volume of 51,220 cubic feet or 383,125 gallons each. A minimum of 6" of freeboard will be maintained between the maximum storage elevation and the bottom of lintel support beam structure. The total combined storage capacity is 1,149,375 gallons. The will provide for approximately 13 months of storage.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 5908401, Sewerage 4952, **Municipal Authority of the Borough of Mansfield**, 19 East Wellsboro Street, Mansfield, PA 16933. This proposed facility is located in Mansfield Borough, **Tioga County**.

Description of Proposed Action/Activity: The applicant is proposing improvements to the existing Wastewater Treatment Plant that will increase the capacity and the performance of the facility. The proposed upgrades will convert the WWTP from an activated sludge process with secondary clarifiers to a Membrane Bioreactor system, which will provide nutrient removal capabilities. The flow will increase from 1.0 mgd design capacity to 1.3 mgd design capacity.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 6308202, Industrial Waste, **Transformer Technology, Inc.**, 30 Curry Avenue, Canonsburg, PA 15317-0440. This proposed facility is located in Canonsburg Borough and Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of an additional outfall.

WQM Permit No. WQG016168, Sewerage, **JoAnn Majetich**, 1634 Old Leechburg Road, New Kensington, PA 15068. This proposed facility is located in Plum Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. 6308405, Sewerage, **Wadwell Group**, 122 Cedar Lane, McMurray, PA 15317. This proposed facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer extension to serve a residential subdivision.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 2508201, Industrial Waste, **Borough of Wattsburg**, P. O. Box 136, Wattsburg, PA 16442. This proposed facility is located in Venango Township, **Erie County**.

Description of Proposed Action/Activity: An onlot seepage bed is proposed to serve an existing water treatment system owned by the Borough of Wattsburg on Lowville Street in Venango Township, Erie County. The onlot system will treat wastewater from a utility sink and backwash water from arsenic filters.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

V. Applications for NPDES Wavier 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.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508057	Robert R. Berry 1779 Pickering Road Phoenixville, PA 19460	Chester	Charlestown Township	Pickering Creek HQ
PAI01 1508059	J. Loew and Associates, Inc. 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	Willistown Township	UNT Valley Creek EV

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026408003	Central Wayne Regional Authority 100 4th Street Suite 8 Honesdale, PA 18431	Wayne	Honesdale Borough	Lackawaxen River HQ-TSF, MF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024808015	J.G. Petrucci Co., Inc. 171 Route 173 Suite 201 Asbury, NJ 08802	Northampton	Bushkill and Plainfield Townships	Bushkill Creek HQ-CWF

Lehigh County Conservation District: Lehigh Agricultural Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023908022	James Gentile Polaris Iron Run, LP 7562 Penn Drive Suite 100 Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run HQ-CWF

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Somerset County Conservation District, Somerset County Agricultural Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (414) 445-4652.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI055608002	Seven Springs Mountain Resort 777 Waterwheel Drive Champion, PA 15622	Somerset	Middlecreek Township Somerset County Saltlick Township Fayette County	UNT to Blue Hole Creek EV

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724) 228-6774.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI056308003	Protos Development 1370 Washington Pike Bridgeville, PA 15017	Washington	Peters Township	Canonsburg Lake Charters Creek WWF-HQ

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)

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 permit. 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

Northeast Region: Water Supply Management Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Application No. 4508504, Public Water Supply.

Applicant **Penn Estates Utilities, Inc.**
Stroud Township
Monroe County

Responsible Official Chuck Madison
Penn Estates Utilities, Inc.
503 Hallet Road
East Stroudsburg, PA

Type of Facility Public Water Supply

Consulting Engineer SAIC Engineering, Inc.
6310 Allentown Boulevard
Harrisburg, PA

Application Received Date September 2, 2008

Description of Action The construction of a new source, well No. 8 and a treatment building.

Application No. 1308502, Public Water Supply.

Applicant **Palmerton Borough**
Palmerton Borough

Responsible Official Rodger P. Danielson
Palmerton Borough
443 Delaware Avenue
Palmerton, PA 18071

Type of Facility PWS

Consulting Engineer Charles E. Volk, P. E.
ARRO Consulting, Inc.
1150 Glenlivet Drive
Allentown, PA 18106

Application Received Date August 27, 2008

Description of Action The applicant proposes the construction of a new booster pumping station to provide adequate pressure to the Borough's North End Pressure District as well as meet fire flow needs to the Palmerton Village Assisted Living Center as well as the rest of the District.

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 5008503, Public Water Supply.

Applicant **Perry Manor, LLC**
Municipality Oliver Township
County **Perry**

Responsible Official Nicholas C. Zannis
Project Manager
c/o SHP Management
7 Thomas Drive
Cumberland Foreside, ME 04110

Type of Facility Public Water Supply

Consulting Engineer Stephen M. Yingst, P. E.
Criterium-Yingst Engineers, Inc.
421 West Chocolate Avenue
Hershey, PA 17033

Application Received: August 5, 2008
Description of Action Booster Pump Modifications.

Permit No. 2208505, Public Water Supply.

Applicant **United Water Pennsylvania**
Municipality Swatara Township
County **Dauphin**

Responsible Official John D. Hollenbach
Vice President
4211 East Park Circle
Harrisburg, PA 17111-0151

Type of Facility Public Water Supply

Consulting Engineer Arthur Saunders, P. E.
United Water Pennsylvania
4211 East Park Circle
Harrisburg, PA 17111

Application Received: August 21, 2008
Description of Action Replacement of booster pumps at the Oberlin Booster Pumping Station.

Permit No. 3608514, Public Water Supply.

Applicant **Conestoga Wood Specialties Corporation**
Municipality East Earl Township
County **Lancaster**

Responsible Official Richard P. Baldauf
Environmental Engineer
245 Reading Road
P. O. Box 158
East Earl, PA 17519-0158

Type of Facility Public Water Supply

Consulting Engineer Charles A. Kehew II, P. E.
James R. Holley & Assoc., Inc.
18 South George Street
York, PA 17401

Application Received: August 21, 2008
Description of Action Installation of nitrate treatment.

Permit No. 3108503, Public Water Supply.

Applicant **Mary Couch**
Municipality Jackson Township
County **Huntingdon**

Responsible Official Mary L. Couch, Owner
13605 Greenwood Road
Huntingdon, PA 16652

Type of Facility Public Water Supply

Consulting Engineer Mark V. Glenn, P. E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602-4475

Application Received: August 25, 2008
Description of Action Installation of nitrate treatment at Couch Subs and Grocery.

Permit No. 3608515, Public Water Supply.
 Applicant **Gerald Cox**
 Municipality Little Britain Township
 County **Lancaster**
 Responsible Official Gerald T. Cox
 Property Owner
 215 Fremont Road
 Nottingham, PA 19362
 Type of Facility Public Water Supply
 Consulting Engineer David W. Wolfe, P. E.
 Earth Tech
 2 Market Plaza Way
 Mechanicsburg, PA 17055
 Application Received: August 27, 2008
 Description of Action Installation of nitrate treatment
 at Pasquale Pizza.

MINOR AMENDMENT

*Northeast Region: Water Supply Management Program,
 2 Public Square, Wilkes-Barre, PA 18711-0790.*

Application No. 2580023MA, Minor Amendment,
 Public Water Supply.

Applicant **Pennsylvania American
 Water**
 800 West Hersheypark Drive
 Hershey, PA 17033
 Bridgewater Township
Susquehanna County
 Responsible Official Paul Zielinski
 Pennsylvania American Water
 800 West Hersheypark Drive
 Hershey, PA 17033
 Type of Facility PWS
 Consulting Engineer Scott M. Thomas, P. E.
 Pennsylvania American Water
 852 Wesley Drive
 Mechanicsburg, PA 17055
 Application Received
 Date September 3, 2008
 Description of Action Applicant proposes to replace
 existing granular activated
 carbon (GAC) with 8 by 30 mesh
 GAC in Montrose Filters Nos. 1
 and 2.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
 Submitted under the Land Recycling and Environ-
 mental Remediation Standards Act (35 P. S.
 §§ 6026.101—6026.908).**

Sections 302—305 of the Land Recycling and Environ-
 mental 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 Stan-
 dard, the Site-Specific Standard or who intend to remedi-
 ate 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 pub-
 lished 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 remedia-
 tion 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 alter-
 native form, contact the community relations coordinator
 at the appropriate regional office. TDD users may tele-
 phone 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.*

Verizon Pennsylvania Ardmore Business Center,
 Lower Merion Township, **Montgomery County.** Sean M.
 Damon, P. G., Langan Engineering & Environmental Ser-
 vice, P. O. Box 1569, Doylestown, PA 18901 on behalf of
 Cheryl L. Houghton, Verizon Pennsylvania, Inc., 966
 South Matlack Street, West Chester, PA 19380 has sub-
 mitted a Notice of Intent to Remediate. Soil and ground-
 water at the site has been impacted with the release of
 No. 2 fuel oil. The future use of the site will remain the
 same. A summary of the Notice of Intent to Remediate
 was reported to have been published in *The Main Line
 Times* newspaper on August 7, 2008.

2345—2351 South Swanson Street Site, City of
 Philadelphia, **Philadelphia County.** Michel Christie,
 Penn E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440
 on behalf of Eli Stein and Leon Silverman, S & S Family
 Partnership, 230 South Broad Street, Philadelphia, PA

19102 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the releases of inorganics and other organics. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on August 23.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

Mack Trucks, Inc., Lower Macungie Township, **Lehigh County**. John Checcio, Brinkerhoff Environmental Services, Inc., 1913 Atlantic Avenue, Suite R5, Manasquan, NJ 08736 has submitted a Notice of Intent to Remediate (on behalf of his client, Mack Trucks, Inc., 7000 Alburdis Road, Macungie, PA 18062), concerning the remediation of soils found to have been impacted by releases of ethylene glycol from newly manufactured trucks as a result of coolant system gasket failure. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be industrial. 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.

Former Penncast Foundry Site, Marietta Borough, **Lancaster County**. Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of Marietta Market Street, LLC, 1903 Lititz Pike, Lancaster, PA 17601, submitted a Notice of Intent to Remediate site soils contaminated with metals. A retirement home is proposed to be built on this site. The site will be remediated to the Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager; 208 West Third Street, Williamsport, PA 17701.

R & L Carriers I-80 MM 190.5W Accident, Green Township, **Clinton County**, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of R & L Carriers, 600 Gilliam Road, Wilmington, OH 45177 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a berm area for the interstate highway.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Applications received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 301256. PPL Martins Creek Ash Basin No. 1, PPL Martins Creek, LLC, Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. A major permit modification to modify the closure plan for this captive, Class II residual waste disposal impoundment located in Lower Mount Bethel Township, **Northampton County**. The application was received in the Regional Office on May 19, 2008, and as of September 10, 2008, the application was deemed to be administratively complete.

Southwest Region: Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. 100592. USA South Hills Landfill, Inc., 3100 Hill Road, Library, PA 15129. South Hills Landfill, 3100 Hill Road, Library, PA 15129. Application for the renewal permit of a municipal waste landfill in South Park Township, **Allegheny County** and Union Township, **Washington County**. Application was received in the Regional Office on September 2, 2008.

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 to 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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

17-00053A: Nydree Flooring, LLC (4608 Quehanna Highway, Karthaus, PA 16845) for construction of a 4.2 mmBtu/hr wood waste-fired boiler in Karthaus Township, **Clearfield County**.

08-310-005: E. A. Ward Excavating, Inc. (R. D. 3, Box 244, Troy, PA 16947) for the construction of a stone crushing plant and associated diesel engine in West Burlington Township, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

32-00059C: Reliant Energy Northeast Management Co., LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) to install a mercury sorbent injection system at their Conemaugh Power Plant in West Wheatfield Township, **Indiana County**.

65-00982B: T. W. Phillips Gas and Oil Co. (205 North Main Street, Butler, PA 16001-4998) to install an additional Caterpillar G3516TALE natural gas engine and 200,000 Btu/hr tri-ethylene glycol dehydrator at their Rubright Compressor Station in Bell Township, **Westmoreland 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

23-0016A: PQ Corporation (1201 West Front Street, Chester, PA 19013) for installation of replacement low-NOx burners and a batch wetting system on PQ Corporation's No. 4 Sodium Silicate Furnace, at their facility in the City of Chester, **Delaware County**. This facility is a Title V facility. Annual emissions of NOx from the furnace will remain at 8.0 lbs/ton of product produced and 275 tpy. PM emissions shall be limited to 0.04 gr/dscf. There shall be no increase in emissions of any pollutant from the No. 4 Sodium Silicate Furnace as a result of the installation of the replacement low-NOx burners and the batch wetting system. The Plan Approval will contain monitoring and recordkeeping requirements designed to keep the furnace operating within the allowable emissions and all applicable air quality requirements.

15-0090B: National Service Industries (303 Eagleview Boulevard, Exton, PA 19341) for installation of flexographic printing heads on an existing flexographic printing press at an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The plan approval is for a non-Title V (State-only) facility. The process will potentially increase VOC emissions by 3.0

tons per annum. The plan approval will include monitoring, recordkeeping and reporting requirements 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.

41-313-003F: Lonza, Inc. (3500 Trenton Avenue, Williamsport, PA 17701) for construction of an Acrawax grinder and rework station as well as for the installation of six air cleaning devices (cartridge collectors) in the City of Williamsport, **Lycoming County**.

The PM/PM10 emissions from the proposed Acrawax grinder will be controlled by one of the six cartridge collectors to be installed and those from the proposed Acrawax rework station will be controlled by another of the six collectors. The remaining four cartridge collectors will be installed on an existing Acrawax grinder, an existing Acrawax conveying system and two existing Acrawax storage bins.

The total combined PM/PM10 emissions from the six collectors are not expected to exceed 2.76 tpy.

The Department of Environmental Protection's (Department) review of the information submitted by Lonza, Inc. indicates that the proposed new Acrawax grinder and rework station will comply with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including 25 Pa. Code § 123.13 and the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12, as will the existing Acrawax grinder, conveying system and bins, following the installation of the proposed new cartridge collectors. Based on this finding, the Department proposes to issue plan approval for the construction of the new Acrawax grinder and rework station and the installation of the six proposed cartridge collectors. Additionally, if the Department determines that the new Acrawax grinder and rework station and existing Acrawax grinder, conveying system and bins are operating in compliance with all conditions of the plan approval and all applicable regulatory requirements following construction and collector installation, the Department intends to incorporate the plan approval conditions into Operating Permit 41-313-003E in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

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 requirements:

1. The concentration of PM in the exhaust of the four cartridge collectors controlling the PM emissions from the new Acrawax grinder, new Acrawax rework station and two existing Acrawax storage bins shall not exceed .01 grain per dry standard cubic foot of effluent gas volume. The concentration of PM in the exhaust of the two cartridge collectors controlling the PM emissions from the existing Acrawax grinder and conveying system shall not exceed .04 grain per dry standard cubic foot of effluent gas volume.

2. All six cartridge collectors shall be equipped with instrumentation to monitor the pressure differential across the collectors on a continuous basis.

3. The air compressors used to supply compressed air to all six cartridge collectors shall be equipped with an air dryer and oil trap.

4. Spare filter cartridges shall be kept onsite for all six cartridge collectors.

5. Collected dust shall only be removed from the six cartridge collectors by means of enclosed systems into enclosed containers.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, M. Gorog and B. Hatch, Environmental Engineer Managers, (412) 442-4163/5226.

1) **63-00943: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2886) for installation of a new propane storage and delivery station at the Dominion Transmission, Inc. in Fallowfield Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a new propane storage and marketing facility consisting of 6—90,000 gallon underground liquid propane storage tanks, two propane truck loading racks, the associated piping for transport of the propane from the pipeline to the storage tanks and from the storage tanks to the loading racks, and other supporting equipment at the Charleroi Propane Station, located in Fallowfield Township, Washington County.

Emissions from the facility are estimated to be 5.04 tons of VOCs per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

2) This Plan Approval is for the installation of a new propane storage and delivery station at the Dominion Transmission, Inc. located in Fallowfield Township, Washington County. (25 Pa. Code § 127.12b)

3) This facility shall be limited to 2,300 truck load-outs over a consecutive 12-month period. (25 Pa. Code § 127.12b)

4) The storage tanks at this facility are subject to the requirements of 25 Pa. Code § 129.56. Compliance with this regulation will be achieved in accordance with § 129.56(a), by maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere.

5) The owner/operator shall keep daily records of all product delivery and load-outs. These records shall be used to estimate monthly emissions from the entire facility and shall be kept onsite for a period of 5 years and be made available to the Department upon request. (25 Pa. Code § 127.12b)

6) The owner/operator shall conduct an audio, visual and olfactory leak detection and repair program performed on a weekly basis. Records of each inspection must be maintained onsite for a period of 5 years and be made available to the Department upon request. Inspection records shall, at a minimum, identify each leak and the length of time until it is repaired. All repairs shall be made within 15 calendar days unless otherwise approved by the Department in writing. (25 Pa. Code § 127.12b)

7) This facility is subject to the odor emission requirements of 25 Pa. Code § 123.31(b).

8) This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met. (25 Pa. Code § 127.12b)

a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, and to permit the evaluation of the source for compliance with all applicable regulations and requirements.

c) Upon receipt of the Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

e) Upon completion of the Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval, the Owner/Operator shall apply for a new or amend the existing Operating Permit at least 60 days prior to the expiration date of the Plan Approval. The application shall incorporate the conditions of this Plan Approval into the Operating Permit.

f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional periods, each not to exceed 120-days, by submitting an extension request as described previously.

9) Upon completion of the construction of the facility, company must request that the existing Operating Permit be updated to include the new equipment and the new requirements. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

10) Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

11) The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the APCA, or to achieve or maintain ambient air quality standards. The issuance of

this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

12) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

13) The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

14) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (a) of this condition.

a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code § 127.12(c) and (d) and 35 P. S. § 4013.2)

15) This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

a) Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension.
- (ii) A schedule for the completion of the construction.

c) If construction has not commenced before the expiration of this plan approval, then a new plan approval

application must be submitted and approval obtained before construction can commence.

d) If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (related to plan approval requirements; prevention of significant deterioration of air quality; and to new source review) shall be submitted. (25 Pa. Code § 127.13)

16) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

17) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

18) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

19) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

20) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

21) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

22) This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

23) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

24) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

25) Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection
(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

26) If require by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106-40).

a) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

b) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

c) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

d) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

e) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated substance could be involved in a potential release shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Those wishing to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Tapan Biswas, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

Name, address and telephone number of the person submitting the comments.

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

AMS 08070: Kinder Morgan (3300 North Delaware Avenue, Philadelphia, PA 19137) for installation of internal floating roofs on five storage tanks in the City of Philadelphia, **Philadelphia County**. After the installation, there will be a potential annual decrease of over 1.0 ton of VOCs from the facility. The plan approval will contain operating, monitoring, recordkeeping and reporting requirements to ensure operation within all applicable requirements.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

09-00016: Exelon Generating Co.—Croydon Generation Station (955 River Road, Bristol, PA 19007) for renewal of the Title V Operating Permit in the Bristol Township, **Bucks County**. There have been no changes since the permit was last issued on July 8, 2008. The facility is primarily used for providing electrical energy for peak demand periods. As a result of potential emissions of NOx and SOx, 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 Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

35-00007: Department of Public Welfare—Clarks Summit State Hospital (1451 Hillside Drive, Clarks Summit, PA 18411) for renewal of a Title V Operating Permit. This facility currently operates two anthracite coal fired boilers, one No. 2 fuel oil fired boiler and 11 emergency generators ranging from 7.5 kW to 200 kW at their facility in Newton Township, **Lackawanna County**. The proposed Title V Operating Permit does not reflect any change in air emissions from the facility. This Title V Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

Intent to Issue Operating Permits 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, Ray Kempa, New Source Review Chief, (570) 826-2507.

48-00055: Mary Immaculate Center (300 Cherryville Road, Northampton, PA 18067) for operation of three boilers fired by No. 4 fuel oil at their facility 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, William R. Weaver, New Source Review Chief, (717) 705-4702.

06-03113: Haines & Kibblehouse, Inc. (P. O. Box 196, Skippack, PA 19474) for operation of a nonmetallic mineral crushing plant at their Birdsboro Quarry in Robeson Township, **Berks County**. The plant is subject to 40 CFR Part 60, Subpart 000, Standards of Performance for New Stationary Sources. This action is a renewal of the State-only operating permit issued in 2003.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, Matthew Williams, New Source Review Chief, (814) 332-6940.

37-00181: Xaloy—Tanner Plating Division (925 Industrial Drive, New Castle, PA 16101) for a Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 4.8 mmBtu/hr natural gas usage, hard chromium plating systems (three tanks and 13 rectifiers), sandblasting unit and hand wiping solvent usage in the City of New Castle, **Lawrence County**. The facility is subject to 40 CFR part 63 subpart N-Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, classified as a "small" facility.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department

at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

Written comments or objections related to a mining permit application should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code §§ 77.123 or 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

For coal mining activities, NPDES permits, when issued, will contain effluent limits that do not exceed the technology-based effluent limitations. The proposed limits are listed in Table 1.

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

More restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining that may occur, will be incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated above each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must 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 or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania*

Bulletin and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

Effluent Limits—The following range of effluent limits will apply to NPDES permits issued in conjunction with the associated coal mining activity permit and, in some cases, noncoal mining permits:

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
pH ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

32020101 and NPDES No. PA0249165. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, permit renewal for reclamation only of a bituminous surface and auger mine in Pine Township, **Indiana County**, affecting 18.3 acres. Receiving stream: Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 8, 2008.

56803020 and NPDES No. PA0121177. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface coal refuse disposal mine in Summit Township, **Somerset County**, affecting 79.5 acres. Receiving streams: Blue Lick Creek, UNT to Blue Lick Creek and a UNT to the Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2008.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03010102 and NPDES Permit No. PA0202941. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201).

Renewal application for reclamation only to an existing bituminous surface mine, located in Boggs Township, **Armstrong County**, affecting 115.8 acres. Receiving stream: Scrubgrass Creek and UNTs to Scrubgrass Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received September 11, 2008.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

33030104. Larry D. Baumgardner Coal Company, Inc. (P. O. Box 186, Lanse, PA 16849). Renewal of an existing bituminous surface strip operation in Washington Township, **Jefferson County** affecting 81.4 acres. Receiving streams: UNTs to Beaver Run (HQ-CWF) and UNT to Wolf Run (CWF). The first downstream potable water supply intake from the point of discharge is Falls Creek Borough Municipal Authority. Application for reclamation only. Application received September 10, 2008.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54860204R4 and PA0593486. Premium Fine Coal, Inc., (P. O. Box 2043, Hazleton, PA 18201), renewal of an existing anthracite coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River, classified for the following use: CWF. Application received September 8, 2008.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	Table 2 30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

4675SM18. G. L. Carlson, Inc. (P. O. Box 97, Turtlepoint, PA 16750). Renewal of NPDES Permit No. PA0211222, Annin Township, **McKean County**. Receiving streams: Allegheny River (CWF). There are no potable surface water supply intakes within 10 miles downstream. NPDES renewal application received September 11, 2008.

18119-43060302-E-3. Terra Resources, LLC (267 Gilmore Road, Enon Valley, PA 16120). Application for a stream encroachment to conduct activities within 100 feet of a UNT to Lackawannock Creek in Jefferson Township, **Mercer County**. Receiving streams: Lackawannock Creek (TSF) and UNT to Shenango River (WWF). There are no potable surface water supply intakes within 10 miles downstream. Application received September 12, 2008.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

22880301C8 and NPDES Permit No. PA0223948. Rocky Licensing Corp., (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Swatara Township, **Dauphin County**, receiving stream: Swatara Creek, classified for the following use: CWF. Application received September 11, 2008.

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 Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

E09-925. Chalfont Borough, 40 North Main Street, Chalfont, PA 18914, Chalfont Borough, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an approximately 8-foot long, 95-foot span and 5.73-foot underclearance pedestrian bridge across the North Branch of the Neshaminy Creek (TSF, MF and Tur₂) associated with the proposed Lindenfield trail system.

The project will permanently impact approximately 20 linear feet of stream. The project commences near the intersection of Lindenfield Parkway and Patrick Place, and extends approximately 566 feet in the northeast direction terminating at the boundary line of Chalfont Borough and New Britain Township (Doylestown, PA USGS Quadrangle N: 8.34 inches; W: 11.56 inches).

E23-473. Wawa Inc., 260 West Baltimore Pike, Wawa, PA 19063, Ridley Township, **Delaware County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstruction and encroachment activities across/along a UNT to Little Crum Creek (WWF) associated with the proposed WAWA Food Market:

1. To relocate approximately 160 linear feet of the stream approximately 5 feet north of the original path, to accommodate the stream enclosure design.

2. To extend and maintain an existing 12-foot span, 6-foot rise open bottom culvert enclosure by approximately 259 feet on the downstream side.

3. To construct and maintain a temporary cofferdams.

4. To construct and maintain a stormwater outfall structure.

The project will impact approximately 259 linear feet of the stream. The site is located approximately 920 feet south of the intersection of Morton Avenue and MacDade Boulevard (Lansdowne, PA USGS Quadrangle N: 1.59 inches; W: 11.20 inches).

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

E35-421. Carbondale Housing Authority, 2 John Street, Carbondale, PA 18407, in City of Carbondale, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a cantilevered 12-foot wide by 30-foot long covered deck over the east bank of the Lackawanna River (HQ-CWF). The project is located at 60 South Main Street between 7th and 8th Avenue (Carbondale, PA Quadrangle Latitude: 41° 34' 17"; Longitude: 75° 30' 12").

E64-276. Mark Yeager, 108 Cardinal Lane, Lake Ariel, PA 18436, in Lake Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 22-foot by 24-foot boat-house on Lake Ariel. The project is located approximately 1.2 miles northeast from the intersection of SR 0191 and SR 0196 (Lake Ariel, PA Quadrangle Latitude: 41° 26' 08"; Longitude: 75° 22' 47").

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E36-840: Tim Keller, The Worship Center, 2384 New Holland Pike, Lancaster, PA 17601, Upper Leacock Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) a 6.0-inch depressed, 34.0-foot long, 22.0-foot by 7.3-foot box culvert in a UNT to the Conestoga River (WWF) (Leola, PA Quadrangle N: 14.58"; W: 14.30", Latitude: 40° 04' 49"; Longitude: 76° 13' 50"); (2) a 34.0-foot long single span pedestrian bridge having a normal span of 26.0 feet and an underclearance of 3.0 feet across a UNT to the Conestoga River (WWF) (Leola, PA Quadrangle N: 14.63"; W: 14.30", Latitude: 40° 04' 50"; Longitude: 76° 13' 38"); (3) a total of 60.0 feet of streambank grading for three stormwater swale outfalls each individually impacting a total of 20.0 linear feet of a UNT to the Conestoga River (WWF) (Leola, PA Quadrangle N: 14.58"; W: 14.65", Latitude: 40° 04' 49"; Longitude: 76° 13' 47"); and (4) 20.0 feet of bank grading for one stormwater outfall swale impacting 20.0 linear feet of open water in and along a UNT to the Conestoga River (WWF) (Leola, PA Quadrangle

N: 14.63"; W: 14.26", Latitude: 40° 04' 50"; Longitude: 76° 13' 37"), for the purpose of a new church building, associated parking areas and site improvements at a point just southeast of the intersection of New Holland Pike (Route 23) and Hartman Station Road in Upper Leacock Township, Lancaster County.

E34-124: Larry Long, R. R. 1, Box 1130, McAlisterville, PA 17049, Fayette Township, **Juniata County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 0.05-acre pond impacting 100.0 linear feet of a UNT to the Delaware Creek (TSF) for the purpose of providing wildlife habitat as well as fire protection for the onsite residence. The project is located at R. D. 1, Box 1130 (Beaver Springs, PA Quadrangle N: 1.01; W: 16.19, Latitude 40° 37' 50"; Longitude 77° 14' 30") in Fayette Township, Juniata County.

E34-126: Jonathan H. Miller, Miller Bridge, R. R. 2, Box 1227, Port Royal, PA 17082, Turbett Township, **Juniata County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 14-foot wide by 30-foot long single span bridge with an average underclearance of 7.66 feet across Hunters Creek (CWF) for the purpose of providing access to a proposed residential home. The project is located 0.75 mile south of Port Royal Borough (Mifflintown, PA Quadrangle N: 3.80 inches; W: 2.08 inches, Latitude: 40° 31' 15"; Longitude: 77° 23' 24") in Turbett Township, Juniata County.

E28-347: Eric H. and Denise F. Hammond, Franklin Equipment Rentals, Greene Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To maintain 220.0 feet of dumped rock protection and approximately 358 cubic yards of fill on the western bank in the floodway of a water course in the basin of Conococheague Creek (CWF). The project is located at 3110 Philadelphia Avenue (Scotland, PA Quadrangle N: 18.5 inches; W: 0.2 inch, Latitude: 39° 58' 39"; Longitude: 77° 37' 37") in Greene Township, Franklin County. The permit application is the result of a violation.

ENVIRONMENTAL ASSESSMENTS

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

EA14-006. Michael Davidson, 849 Runville Road, Bellefonte, PA 16823 and **Ray Lucas**, 889 Runville Road, Bellefonte, PA 16823. Wallace Run/Lucas-Davidson Stream Stabilization Project, in Boggs Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Bellefonte, PA Quadrangle Latitude 40° 57' 15.4" N; Longitude 77° 50' 11.5" W).

To construct and maintain a 900-foot realigned reach of Wallace Run with bank full benches, 13 rock straight vanes and accompanying geofabric sills located behind 849 Runville Road (SR 144). This project proposes to permanently impact 900 linear feet of Wallace Run, which is classified as a CWF.

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-0032123 (Minor Sewage)	Department of Conservation and Natural Resources Promised Land State Park R. R. 1 Box 96 Route 390 Greentown, PA 18426-9735	Greene Township Pike County	East Branch Wallenpaupack Creek 1C	N
PA0060917 (Sewage)	Country Crest, LLC P. O. Box 510 Dillsburg, PA 17019	Luzerne County Lehman Township	UNT to Hunlock Creek 5B	Y

<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-0021547 (Minor Sewage)	Orwigsburg Borough Municipal Authority 209 North Warren Street Orwigsburg, PA 17961-1829	North Manheim Township Schuylkill County	Mahannon Creek 3A	Y

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>
PA0036889 (Sew)	Reading Township Municipal Authority 5500 Carlisle Pike New Oxford, PA 17350	Adams County Reading Township	Conewago Creek 7-F	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>
PA0113508	David D. Valenti Shady Oaks Mobile Home Park 1343 Highway 315 Plains, PA 18702	Montour County Derry Township	UNT to Mud Creek 10D	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>
PA0216216 Sewage	Burgettstown Smith Township Joint Sewage Authority 100 Plaza Drive Suite 103 Atlasburg, PA 15004	Washington County Smith Township	Raccoon Creek	Y
PA0218006 Sewage	Conemaugh Township Municipal Water and Sewer Authority 16980 Route 286 Highway West Saltsburg, PA 15681-8023	Indiana County Conemaugh Township	Blacklegs Creek	Y
PA0217361 Sewage	East Huntingdon Township 2494 Route 981 P. O. Box 9 Alverton, PA 15612-0009	Westmoreland County East Huntingdon Township	Jacobs 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>
PA0210781	Hamlin Township P. O. Box 235 Hazel Hurst, PA 16733-0235	Hamlin Township McKean County	Marvin Creek 16-C	Y
PA0222585	Brokenstraw Valley Area Authority 770 Rouse Avenue Youngsville, PA 16371-1606	Pleasant Township Warren County	Allegheny River 16-B	Y
PA0222607	David Q. Steele 3462 Glen Hazel Road Wilcox, PA 15870	Jones Township Elk County	UNT to the East Branch Clarion River 17-A	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.

NPDES Permit No. PA0042021, Amendment No. 1, Sewage, SIC 4952, **Milford-Trumbauersville Area Sewer Authority**, 1825 Rosenberger Road, P. O. Box 126, Spinnerstown, PA 18968. The facility is located in Milford Township, **Bucks County**.

Description of Proposed Action/Activity: Permit is amended to reflect 3 years compliance time to meet final limits for copper, total. Also, an option is provided to develop a site-specific copper criterion under a Water Effect Ratio and Social or Economic Justification. The treated sewage will discharge to Unami Creek at an annual rate of 0.8 mgd.

NPDES Permit No. PA0058955, Amendment No. 1, Industrial Waste, **JDM Materials Company**, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Bartram Batch Plant in Watershed 3F—Lower Schuylkill River.

NPDES Permit No. PA0058947, Amendment No. 1, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in City of Philadelphia, Philadelphia County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Grant Avenue Batch Plant in Watershed 3J—Pennypack Creek.

NPDES Permit No. PA0058939, Amendment No. 3, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Schuylkill Township, Chester County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Phoenixville Batch Plant in Watershed 3D—Manatawny-French Creeks.

NPDES Permit No. PA0058963, Amendment No. 2, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Telford Borough, Bucks County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Telford Batch Plant in Watershed 3E—Perkiomen.

NPDES Permit No. PA0058971, Amendment No. 1, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Middletown Township, Bucks County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Langhorne Batch Plant in Watershed 2F—Neshaminy.

NPDES Permit No. PA0058921, Amendment No. 3, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Upper Southampton Township, Bucks County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the County Line Batch Plant in Watershed 3J—Pennypack.

NPDES Permit No. PA0058980, Amendment No. 1, Industrial Waste, JDM Materials Company, 851 County Line Road, Huntingdon Valley, PA 19006. This proposed facility is located in Plumstead Township, Bucks County.

Description of Proposed Action/Activity: Approval for the amendment to revise BMPs at the Doylestown Batch Plant in Watershed 2F—Neshaminy.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

NPDES Permit No. PA0246638, CAFO, James Breneman, Franklin View Farms, 1700 Prospect Road, Washington Borough, PA 17582. This proposed facility is located in Manor Township, Lancaster County.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,141-Animal Equivalent Units dairy and poultry operation in Watershed 7-G.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

PA0229199, Sewerage, 4985 Warrensville Road, Montoursville, PA 17754. This facility will be located in Eldred Township, Lycoming County.

Description of Proposed Activity: An NPDES permit application has been approved authorizing a discharge from a small flow treatment facility serving the Simcox residence.

The receiving stream, Mill Creek, is in the State Water Plan Watershed 10B and is classified for: CWF. The nearest downstream public water supply intake is near Milton located on the West Branch of the Susquehanna River approximately 30 miles below the point of discharge.

The effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
CBOD ₅			25		50
TSS			30		60
Fecal Coliforms (5-1 to 9-30)	200 colonies/100 ml as a Geometric Mean and not greater than 1,000 colonies/100 ml in more than 10% of the samples tested				
(10-1 to 4-30)	2,000 colonies/100 ml as a Geometric Mean				
pH	Within the range of 6.0 to 9.0				
Flow	Monitor and Report				
Total Chlorine Residual (Cl ₂)	Monitor				

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

NPDES Permit No. PA0253669, Industrial Waste, Shallenberger Construction, Inc., 2611 Memorial Boulevard, Connellsville, PA 15425. This proposed facility is located in Dunbar Township, Fayette County.

Description of Proposed Action/Activity: Permit issuance to discharge from Rankin Run Treatment Facility.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0240184, Sewage, **Marilyn R. and Robert E. Jones**, 17473 State Highway 86, Saegertown, PA 16433. This proposed facility is located in Woodcock, **Crawford County**.

Description of Proposed Action/Activity: This is a Single-Residence Sewage Treatment Plant discharging to a UNT to Bossard Run, 16-A.

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. 3608405, Sewage, **Suburban Lancaster Sewer Authority**, P. O. Box 458, Lancaster, PA 17608-0458. This proposed facility is located in West Lampeter Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement/enlargement of the Hollinger Road interceptor.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

WQM Permit No. 602064, Sewerage, 4952, **Matthew Simcox**, 4985 Warrensville Road, Montoursville, PA 17754. This facility will be located in Eldred Township, **Lycoming County**.

Description of Action/Activity: The applicant is approved to construct and operate a 400 gallon per day single-residence small flow treatment facility that will discharge to Mill Creek, a CWF. The treatment system will be comprised of a 900 gallon capacity concrete septic tank, twin 400 gallon intermittent free access sand filters and chlorine disinfection. The 100 feet of discharge pipe prior to outfall will be perforated.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

WQM Permit No. 6302401-A1, Sewerage, **Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. This existing facility is located in Peters Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the replacement and operation of an existing interceptor sewer.

WQM Permit No. 3279406-A7, Sewerage, **Borough of Indiana**, 80 North Eighth Street, Indiana, PA 15701. This existing facility is located in Indiana Borough, **Indiana County**.

Description of Proposed Action/Activity: Permit amendment issuance for the installation of a roll-off container dewatering filter.

WQM Permit No. 6508402, Sewerage, **Municipal Sewerage Authority of the Township of Sewickley**, P. O. Box 46, Herminie, PA 15637. This proposed facility is located in Sewickley Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage collection, conveyance and treatment system.

WQM Permit No. 1108401, Sewerage, **Stonycreek Township**, 1610 Bedford Street, Johnstown, PA 15902. This proposed facility is located in Stonycreek Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the renovations and modifications to the existing Riverside Pump Station.

WQM Permit No. 0408402, Sewerage, **Maronda Homes, Inc.**, 202 Park West Drive, Pittsburgh, PA 15275. This proposed facility is located in Hopewell Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, pump station and force main.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. WQG018638, Sewerage, **Donald Schwenk**, 11177 US Route 19, Waterford, PA 16441-5111. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

WQM Permit No. WQG018629, Sewerage, **Marilyn R. and Robert E. Jones**, 17473 State Highway 86, Saegertown, PA 16433. This proposed facility is located in Woodcock Township, **Crawford 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>
PAI011508058	AmeriCorp Homes One South State Street Newtown, PA 18940	Chester	West Caln Township	UNT Birch Run HQ

Northeast Region: Watershed 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>
PAI023907022	Sal Lapio 104 Old Mill Road Sellersville, PA 18960	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAS10U170R(3)	Sterling Oaks II, LLC 600 South Livingston Avenue Livingston, NJ 07039	Northampton	Lower Nazareth Township	Monocacy Creek HQ-CWF
PAI023907031	Macungie Medical Realty P. O. Box 487 Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023907032	Polaris Properties, Inc. 7562 Penn Drive Suite 100 Allentown, PA 18106	Lehigh	South Whitehall Township	Cedar Creek/Little Lehigh Creek Watershed HQ-CWF
PAI025208006	Dingman Township 118 Fisher Lane Milford, PA 18337	Pike	Dingman Township	Raymondskill HQ-CWF
PAS10S056R(6)	Sanofi Pasteur, Inc. Discovery Drive Route 611 Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek EV

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041708002	Thomas Stojek The Clearfield Foundation 125 East Market Street Clearfield, PA 16830	Clearfield	Lawrence Township	West Branch Susquehanna River WWF

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 Small Flow Treatment Facilities
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 (CSO)
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 Concentrated Animal Feeding Operations (CAFOs)
 PAG-13 Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

General Permit Type—PAG-2

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East and West Bradford Townships Chester County	PAG200 1508029	West Bradford Township 1385 Campus Drive Downingtown, PA 19335	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG200 1508034	Tredyffrin Township 1100 Duportail Road Berwyn, PA 19312-1079	Darby Creek CWF, MF and Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 Municipality & County
East Marlborough Township Chester County	PAG200 1508037	Grace Fellowship Church P. O. Box 604 Unionville, PA 19375	Pocopson Creek and UNT West Branch Red Clay Creek TSF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG200 2308001	Brad Dever 388 Bishop Hollow Road Newtown Square, PA 19013	Crum Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Highspire Borough Dauphin County	PAG2002208024	Von E. Hess Highspire Borough Authority 540 Eshelman Street Highspire, PA 17034	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Swatara Township Dauphin County	PAG2002208016	James A. Nardo Linden Centre, LLC P. O. Box 442 Hershey, PA 17033	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Londonderry Township Dauphin County	PAG2002208029	Stephen Wolf Shipley Fuels, LTD 415 Norway Street P. O. Box 1509 York, PA 17405	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Southampton Township Franklin County	PAG2002803043R	Thornwood Village Grove Farm Development 139 West High Street Carlisle, PA 17013	Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Southampton Township Franklin County	PAG2002803042R	Thornwood Grove Farm Development 139 West High Street Carlisle, PA 17013	Conococheague CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

NOTICES

5347

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

Receiving Water/Use

*Contact Office &
Phone No.*

Antrim Township Franklin County	PAG20028030381R	Melrose Meadows Salem Zaru SF Zaru Developers 3159 Smart Heiress Drive Mt. Airy, MD 21771	Paddy Run WWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Newport Perry County	PAG2035008005	Newport Plaza Associates, LP 3307 Trindle Road Camp Hill, PA 17011	UNT to Juniata River WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Bradford County Wells Township	PAG2000808005	Sandro C. Bassanini Country View Family Farms, LLC Pine Hill Farm 6360 Flank Drive Suite 100 Harrisburg, PA 17112-2766	Mill Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6 Municipality & County
Butler County Fairview Township	PAG2001008022	URS Corporation Hemlock Road Dump Remediation Foster Plaza 501 Holiday Drive Pittsburgh, PA 15220	UNT South Branch Bear Creek WWF	Department of Environmental Protection (814) 332-6984
Erie County Harborcreek Township	PAG2002508017	Cleveland Brothers Equipment Co., Inc. 4565 Murrysville, PA 15668	Six Mile Creek CWF, MF	Erie County Conservation District (814) 825-6403
Mercer County City of Hermitage	PAG2004308008	City of Hermitage Gary Hinkson 800 North Hermitage Road Hermitage, PA 16148	UNT Hogback and Golden Run WWF	Mercer County Conservation District (724) 662-2242

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

Receiving Water/Use

*Contact Office &
Phone No.*

Archbald Borough Lackawanna County	PAR112215	Lockheed Martin 459 Kennedy Drive Archbald, PA 18403-1598	Swale to Lackawanna River	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Shamokin Township Lycoming County	PAR604843	Stoneroads Iron and Metal, Inc. 699 Holly Road Paxinos, PA 17860	Shamokin Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County*Oakmont Borough
Allegheny County*Permit No.*
PAR236101*Applicant Name &
Address*
Chelsea Building Products, Inc.
565 Cedar Way
Oakmont, PA 15139*Receiving Water/Use*
Allegheny River*Contact Office &
Phone No.*
Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000City of Pittsburgh
Allegheny County

PAR606203

Pittsburgh Recycling Services,
LLC
50 Vespuccius Street
Pittsburgh, PA 15207

Monongahela River

Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Cranberry Township
Butler County

PAR208373

GA Industries, LLC
P. O. Box 838
Mars, PA 16046

Breakneck Creek

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-4**Facility Location:
Municipality &
County*Waterford Township
Erie County*Permit No.*
PAG049449*Applicant Name &
Address*
Donald Schwenk
11177 US Route 19
Waterford, PA 16441-5111*Receiving Water/Use*
UNT to Elk Creek
15-EC*Contact Office &
Phone No.*
DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-5**Facility Location:
Municipality &
County*City of Washington
Washington County*Permit No.*
PAG056231*Applicant Name &
Address*
Coen Oil Company
P. O. Box 34
1045 West Chestnut Street
Washington, PA 15301*Receiving Water/Use*
Catfish Creek*Contact Office &
Phone No.*
Southwest
Regional Office
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh, PA
15222-4745
(412) 442-4000Linesville Borough
Crawford County

PAG058383

United Refining Company of PA
P. O. Box 688
Warren, PA 16365Storm Sewer to
Linesville CreekDEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA
16335-3481
(814) 332-6942*General Permit Type—PAG-7**Facility Location:
Municipality &
County*East Drumore
Township
Lancaster County*Permit No.*
PAG070003
PAG070005
PAG073508*Applicant Name &
Address*
Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*
Gary Akers Farm
East Drumore
Township
Lancaster County*Contact Office &
Phone No.*
DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*East Drumore
Township
Lancaster County*Permit No.*PAG080002
PAG080003
PAG080004
PAG080006
PAG080008
PAG080018
PAG082201
PAG082203
PAG082211
PAG083501
PAG083502
PAG083506
PAG083510
PAG083515
PAG083517
PAG083518
PAG083522
PAG083535
PAG083540
PAG083542
PAG083547
PAG083551
PAG083556
PAG083565
PAG083567
PAG083573
PAG083596
PAG083600
PAG089904
PAG089905
PAGBIG9903*Applicant Name &
Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*

Gary Akers Farm

*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-9**Facility Location:
Municipality &
County*Southampton
Township
Franklin County*Permit No.*

PAG093548

*Applicant Name &
Address*Superior Septic Service, Inc.
8885 Pineville Road
Shippensburg, PA 17257*Site Name &
Location*Southampton
Township
Franklin County*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707Southampton
Township
Franklin County

PAG093532T

Superior Septic Service, Inc.
8885 Pineville Road
Shippensburg, PA 17257Southampton
Township
Franklin CountyDEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Theodore L. Esbenshade Shady Brae Farms 29 Engle Road Marietta, PA 17547	Lancaster	382.4	4,384	Layers	NA	Approved
Harold Weaver 2717 North Colebrook Road Manheim, PA 17545	Lancaster	129.1	471.97	Broilers, heifers	NA	Approved
Joel Frey Chick Valley Farms 1170 Breneman Road Conestoga, PA 17516	Lancaster	74	214.4	Pullets	NA	Approved
Larry Musser L & T Pullets 80 Creek Road East Berlin, PA 17316-9119	York	6	159.3	Pullets	N/A	Approved

**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. 3540054, Operations Permit, Public Water Supply.

Applicant	Schuylkill County Municipal Authority Pine Brook Development 221 South Centre Street Pottsville, PA 17901 West Brunswick Township
County	Schuylkill
Type of Facility	PWS
Consulting Engineer	Patrick M. Caulfield, P. E. Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901
Permit to Operate Issued	September 8, 2008

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3407502, Public Water Supply.

Applicant **Richfield Area Joint Authority**
 Municipality Monroe Township
 County **Juniata**
 Type of Facility This permit application is for the addition of the Mountain Road Well as a new well source. In addition to the new well source the Authority will be adding a chemical feed room to the existing treatment facilities and repainting a existing storage tank.

Consulting Engineer Edward J. Brown, P. E.
 Larson Design Group
 1000 Commerce Park Drive
 Williamsport, PA 17701

Permit to Construct Issued September 5, 2008

Permit No. 3808501, Public Water Supply.

Applicant **Gretna Springs**
 Municipality West Cornwall Township
 County **Lebanon**
 Type of Facility Construction of Well 3 as a new source of supply to replace Well 1.

Consulting Engineer David J. Gettle
 Kohl Bros., Inc.
 P. O. Box 350
 Myerstown, PA 17067

Permit to Construct Issued August 28, 2008

Permit No. 5008501, Public Water Supply.

Applicant **Creekview Farms Mobile Home Park**
 Municipality Carroll Township
 County **Perry**
 Type of Facility New Well No. 8

Consulting Engineer Charles A. Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George Street
 York, PA 17401

Permit to Construct Issued September 12, 2008

Permit No. 6708503, Public Water Supply.

Applicant **New Freedom Borough**
 Municipality New Freedom Borough
 County **York**
 Type of Facility New .750 mg Storage Tank

Consulting Engineer Paul Gross, P. E.
 Buchart Horn, Inc.
 445 West Philadelphia Street
 York, PA 17405-7040

Permit to Construct Issued September 10, 2008

Permit No. 3808504 MA, Minor Amendment, Public Water Supply.

Applicant **City of Lebanon Authority**
 Municipality Swatara Township
 County **Lebanon**
 Type of Facility Replacement of filter media in filter Nos. 1—6.

Consulting Engineer James C. Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100

Permit to Construct Issued August 18, 2008

Permit No. 3608513 MA, Minor Amendment, Public Water Supply.

Applicant **Warwick Township Municipal Authority**
 Municipality Warwick Township
 County **Lancaster**
 Type of Facility Installation of chlorine feed flow pacing at the Rothsville Wellhouse No. 1.

Consulting Engineer 1-Not Available

Permit to Construct Issued September 5, 2008

Operations Permit issued to **Loyalton Water Association**, 7220047, Washington Township, **Dauphin County** on August 27, 2008, for the operation of facilities approved under Construction Permit No. 2207509.

Operations Permit issued to **Columbia Water Company**, 7360123, West Hempfield Township, **Lancaster County** on September 5, 2008, for the operation of facilities approved under Construction Permit No. 3607517.

Operations Permit issued to **West Earl Water Authority**, 7360143, West Earl Township, **Lancaster County** on September 5, 2008, for the operation of facilities approved under Construction Permit No. 3606520.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Lower Paxton Township, **Dauphin County** on September 5, 2008, for the operation of facilities approved under Construction Permit No. 2207508.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Susquahanna Township, **Dauphin County** on September 5, 2008, for the operation of facilities approved under Construction Permit No. 2207513 MA.

Operations Permit issued to **JoAnn Realty Associates, Ltd.**, 7360183, Salisbury Township, **Lancaster County** on August 28, 2008, for the operation of facilities approved under Construction Permit No. 3607518.

Operations Permit issued to **Conestoga MHP, Inc.**, 7360014, Conestoga Township, **Lancaster County** on September 5, 2008, for the operation of facilities approved under Construction Permit No. 3608501.

Operations Permit issued to **Possum Valley Municipal Authority**, 7010034, Menallen Township, **Adams**

County on September 5, 2008, for the operation of facilities approved under Construction Permit No. 0108511 MA.

Operations Permit issued to **City of Lancaster**, 7360058, Manor Township, **Lancaster County** on September 9, 2008, for the operation of facilities approved under Construction Permit No. 3608516 E.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 5505501—Operation, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.—Pennsview Water System
Township or Borough	Penn Township
County	Snyder
Responsible Official	Patrick Burke, P. E. Aqua Pennsylvania, Inc. 50 East Woodhaven Drive White Haven, PA 18661
Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	September 12, 2008
Description of Action	Operation of Well No. 3, its treatment building, including sodium hypochlorite and AquaMag facilities and the rehabilitated 74,000 gallon finished water storage tank.

Dushore Water Authority (Public Water Supply), Sullivan County: The Wellhead Protection (WHP) program for this authority has been approved on September 15, 2008. Dushore Water Authority personnel are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded, in part by a WHP grant. (L. Richard Adams, (570) 321-6581).

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

Plan Location: at 945 Baltimore Pike in Gettysburg Borough, **Adams County**.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cumberland Township	1370 Fairfield Road Gettysburg, PA 17325	Adams County

Plan Description: The approved plan provides for the replacement of an existing 45 unit hotel with a new 70 unit structure and the public sewer connection of an existing restaurant, insurance agency and single-family home. The plan includes the construction of new collection lines and a new pump station and force main tributary to the Gettysburg Municipal Sewage Treatment Plant. The name of the project is Jayjyoti Corporation and the Department of Environmental Protection (Department) code No. is A3-01911-274-3. The Department's

review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

Plan Location: on South Second Street in McSherrystown Borough, **Adams County**.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
McSherrystown Borough	338 Main Street McSherrystown, PA 17344	Adams County

Plan Description: The approved plan provides for a new subdivision of 13 single-family homes generating an estimated 3,133 gpd tributary to the Hanover Borough Regional Sewage Treatment Plant. The name of the project is the Sheaffer Property and the Department of Environmental Protection (Department) code No. is A3-01803-013-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The project is approved with the following conditions:

1. Approval of this project will constitute a depletion of all allocated sewer taps issued under the Department's June 28, 2007, sewer allocation letter to the Borough. The Department will not be able to approve future planning modules for projects tributary to the Hanover Borough Wastewater Treatment Plant until the Department receives and approves the future public sewer need for all contributing municipalities and the Department issues a Water Quality Permit for the construction of the North Side and West Side interceptors.

2. The approved project qualifies for a CSL permit exemption in accordance with Act 40. However, this planning approval is given on the condition that all sewerage facilities qualifying for the permit exemption must be designed, constructed and operated in accordance with the technical standards and practices contained in the Department's Sewerage Manual and that the municipality and/or authority accepts full responsibility for continuing operation and maintenance.

3. Other Department permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for those permits or approvals can be obtained from the Department Permitting and Technical Services Section, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

4. We assume that the developers intend to construct the collection system at their own expense and dedicate it to the municipality upon completion for maintenance and operation.

5. All connections tributary to the Hanover Regional Sewage Treatment Plant must be in accordance with the Consent Order and Agreement made between the Department and Hanover Borough.

Plan Location: on Chapel Road in Conewago Township, **Adams County**.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Conewago Township	541 Oxford Avenue Hanover, PA 17331	Adams County

Plan Description: The approved plan provides for the construction of a new pump station, force main and collection system to serve 52 single-family homes. The

name of the project is Chapel View Phase 2 and the Department of Environmental Protection (Department) code No. is A3-01910-071-3. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The project is approved with the following conditions:

1. Approval of this project will constitute a depletion of all allocated sewer taps issued under the Department's June 28, 2007, sewer allocation letter to the Borough. The Department will not be able to approve future planning modules for projects tributary to the Hanover Borough Wastewater Treatment Plant until the Department receives and approves the future public sewer need for all contributing municipalities and the Department issues a Water Quality Permit for the construction of the North Side and West Side interceptors.

2. The approved project will require a Clean Streams Law (CSL) permit for the construction and operation of the proposed sewerage facilities. The permit application must be submitted in the name of Conewago Township Municipal Authority. Approval of this planning module is only approval of the preliminary concept of the proposed project and does not assure that a permit application will be acted upon favorably by the Department. Issuance of a CSL permit will be based upon a technical evaluation of the permit application and supporting information. Starting construction prior to obtaining a permit is a violation of the CSL.

3. This plan approval does not include approval of the system design that will be evaluated and approved as part of the CSL permit application review.

4. Other Department permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department Permitting and Technical Services Section, Water Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

5. The Department assumes that the developers intend to construct the collection system at their own expense and dedicate it to the municipality upon completion for maintenance and operation.

6. All connections tributary to the Hanover Regional Sewage Treatment Plant must be in accordance with the Consent Order and Agreement made between the Department and Hanover Borough.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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>
East Hanover Township	8848 Jonestown Road Grantville, PA 17028	Dauphin County

Plan Description: The Component 3M Minor Act 537 Plan Update for the Englewood and Partridge Hills areas of the Township was disapproved because the Plan failed to demonstrate that the chosen alternative can meet the long-term sewage disposal needs of the study areas. The

Plan also failed to support the conclusion that increased pumping and inspections of septic tanks could serve to address the confirmed and suspected malfunctions in the subject areas.

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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Schramm & Schramm Estate, East Bradford Township, **Chester County**. David Evans, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

South Philadelphia Shopping Center, City of Philadelphia, **Philadelphia County**. Michael Christie, Penn

Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of William Frutkin, SPSP Corporation, 44 West Lancaster Avenue, Ardmore, PA 19003 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

Inglis Apartments at Elmwood, City of Philadelphia, **Philadelphia County**. Emily Dippold, Kleinfelder East Inc., 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Shirley Thrower, Inglis Housing Corporation, 2600 Belmont Avenue, Philadelphia, PA 19131 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Keaveney Residence, Solebury Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc., P. O. Box 940, Springhouse, PA 19477 on behalf of Richard Keaveney, 3241 Comfort Road, New Hope, PA 18938 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with lead and petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

OIP Pizza, Williamsburg Borough, **Blair County**. Mounain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of George Camaroto, OIP Pizza, 417 West 2nd Street, Williamsburg, PA 16693 submitted a Final Report concerning remediation of site soils contaminated with heating oil. The report was submitted within 90 days of the release and is intended to document remediation of the site to the Statewide Health Standard.

Mount Union Creosote Site AOC-1, Mount Union Borough, **Huntingdon County**. Environmental Alliance, Inc., 1812 Newport Gap Pike, Wilmington, DE 19808, on behalf of Mount Union School Area School District, 28 West Market Street, Mount Union, PA 17066, submitted a cleanup plan concerning remediation of site soils and groundwater contaminated with PAHs. The site will be remediated to the Site-Specific Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Clearfield Former MGP Site, Clearfield Borough, **Clearfield County**. The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of PPL Electric Utilities Corp., 2 North 9th Street, GENTW17, Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with PAHs and benzene, toluene, ethylbenzene and xylenes. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

American Meter, City of Erie, **Erie County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of American Meter Company (Elster Group), 2 West Liberty Boulevard, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soils contaminated with antimony,

arsenic, lead and site groundwater contaminated with 1,1-Dichloroethane, CIS-1,2-Dichloroethylene, Trans-1,2-Dichloroethylene, Tetrachloroethylene (PCE), Toluene, 1,1,1-Trichloroethane, Trichloroethylene, Xylenes (Total). The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental 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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Keaveney Residence, Solebury Township, **Bucks County**. Thomas Hippensteal, Envirosearch Consultants, Inc. P. O. Box 940, Springhouse, PA 19477 on behalf of Richard Keaveney, 220 West Washington Square, Philadelphia, PA 19106 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with lead and petroleum products. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 22, 2008.

1702—1708 Tulip Street, City of Philadelphia, **Philadelphia County**. Guy Sheets Malcolm Pirnie, 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Kenneth Chadwick Temple East, Inc. d/b/a Northeastern Hospital, 2301 East Allegheny Avenue, Philadelphia, PA 19134 has submitted a Final Report concerning the remediation of site soil contaminated with No. 4 fuel oil and petroleum. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 3, 2008.

Northeast Region: Ronald S. Brezinski, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Christine Smith Residence, Jenkins Township, **Luzerne County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 submitted a Final Report package (on behalf of his client, Christine Smith, 1277 Main Street, Pittston, PA 18640), concerning the remediation of soils found to have been impacted by No. 2 fuel oil constituents as a result of a release from an aboveground storage tank. The report demonstrated attainment of the Statewide Health Standard for soils, relating the compounds analyzed and was approved on September 8, 2008. The report was originally submitted within 90 days of the release

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Department of Transportation Maintenance Facility Hollidaysburg, Blair Township, **Blair County**. L. Robert Kimball & Associates, Inc., 615 West Highland Avenue, Ebensburg, PA 15931, on behalf of Department of Transportation, 400 North Street, 7th Floor, P.O. Box 3790, Harrisburg, PA 17105, submitted a Final Report concerning remediation of site soils and groundwater contaminated with motor fuels, heating oil and used motor oil. The Final Report demonstrated attainment of the residential Statewide Health Standard and was approved by the Department of Environmental Protection on September 11, 2008.

Armstrong World Industries—Lancaster's Northwest Gateway, City of Lancaster and Manheim Township, **Lancaster County**. EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a "Request for Determination of Nonuse Aquifer" to demonstrate compliance with 25 Pa. Code § 250.303 of the Land Recycling and Environmental Remediation Standards Act (Act 2). The request was approved by the Department of Environmental Protection on September 15, 2008.

Permits terminated and bonds released under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003)

and regulations to operate a hazardous and residual waste treatment, storage or disposal facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Hazardous Waste Action

Proposed action on a permit and bond under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous and residual waste storage and treatment facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit and bond actions. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Terminate Permit and Release Bond

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. PAD980707087, Siemens Water Technologies, Inc., 24th and 31st Streets Extension, Beaver Falls, PA 16115. Operation of a spent carbon regeneration facility in Beaver Falls, **Beaver County**. Siemens certified clean of the facility in August 2008. Siemens' request to terminate its hazardous and residual waste storage and treatment permit and release a \$166,566 closure bond was considered for intent to approve by the Regional Office on September 15, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township and Tullytown Borough, **Bucks County**. This minor permit modification application is for the modification to the Tullytown Resource Recovery Facility (TRRF) Landfill gas management system by installing a second landfill gas transmission pipeline from the TRRF Compressor Station to the Exelon Pennsbury Power Plant on Bordentown Road. The application was received by the Southeast Regional Office on June 12, 2008.

Permits 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 Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit No. 301295. Hazleton Oil & Environmental, Inc., 300 South Tamaqua Street, Route 309, Hazleton, PA 18201-7913. A permit renewal authorizing the continued operation of this residual waste (oil) processing facility located in Banks Township, **Carbon County**. The permit renewal was issued by the Regional Office on September 13, 2008.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 100691. Waste Management of Pennsylvania Inc., 1154 West 16th Street, Erie, PA 16502, City of Erie, **Erie County**. The application was for a Permit Renewal for the Greater Erie Transfer Station and Recycling Center. The permit was issued by the Northwest Regional Office on September 9, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

PAD067098822. Cycle Chem, Inc., 550 Industrial Drive, Lewisberry, PA 17333-9537, Fairview Township, **York County**. Permit for the treatment and storage of hazardous waste issued on September 26, 2008.

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, William R. Weaver, New Source Review Chief, (717) 705-4702.

GP3-21-03087: Pennsy Supply, Inc. (Corporate Office, 1001 Paxton Street, Harrisburg, PA 17105) on September 8, 2008, for Portable Nonmetallic Mineral Processing Plant under GP3 in Silver Spring Township, **Cumberland County**.

GP6-07-03056: Stevenson's, Inc. (2501 18th Street, Altoona, PA 16601) on September 10, 2008, for Petroleum Dry Cleaning under GP6 in the City of Altoona, **Blair County**.

GP9-21-03087: Pennsy Supply, Inc. (Corporate Office, 1001 Paxton Street, Harrisburg, PA 17105) on September 8, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in Silver Spring Township, **Cumberland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

GP-61-214A: Reinsel Funeral Home & Cremation (116 Bissell Avenue, Oil City, PA 16301) on September 10, 2008, for a human crematory (BAQ-GPA/GP-14) in Oil City, **Venango 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

46-0241A: Gibraltar Rock, Inc. (355 Newbold Road, Fairless Hills, PA 19030-4314) on September 11, 2008, for issuance of a Plan Approval to construct a nonmetallic mineral processing plant and install two wet suppression systems. The rock crushing plant will be located off Route 73 (Big Road) between Route 663 and Church Road, New Hanover Township, **Montgomery County**. The crushing plant will consist of the following air contamination sources: primary crushing system, secondary crushing system, tertiary crushing system, paved and unpaved roads and stockpiles. The rock crushing plant shall be limited to processing a maximum of 500,000 tons of rocks per year (on a 12-month rolling sum basis). The facility is a minor source for PM, PM10 and PM2.5. The crushers, screens and conveyors are subject to 40 CFR Part 60, Subpart OOO of the Standards of Performance for New Stationary Sources (NSPS).

The permittee will incorporate the following control measures and work practice standards as BAT:

- (a) Secondary and tertiary crushers shall be enclosed on all four sides.
- (b) All screens shall be enclosed on all sides
- (c) The primary crusher shall be enclosed on three sides.
- (d) All conveyors shall be fully covered (with access doors for maintenance).
- (e) All paved roads shall be vac swept (vacuumed and swept to remove silt from the surface of the road) and wetted on daily basis when the plant is operating.
- (f) Unpaved roads shall be limited to the quarry area and the overburden transport roads.
- (g) All unpaved roads shall be wetted on daily basis when the plant is operating.
- (h) A wheel washing station shall be installed at the transition point from the unpaved area to the paved road. All wheels of vehicles entering the paved roads from an unpaved area shall be washed irrespective of weather condition.
- (i) Both sides of the paved roads shall have vegetative cover to reduce wind erosion of soil cover and to minimize silt loading of the roads. The Department of Environmental Protection may request additional vegetative cover if silt re-entrainment is determined to cause fugitive emissions. Vegetative cover shall be provided/planted before the crushing plant starts operation irrespective of weather condition.
- (j) All loaded trucks leaving the facility shall be tarped.

(k) Nozzles of the wet suppression systems shall be located at all fugitive emission points (crushers and belt conveyor transfer points).

(l) All fugitive emissions from the belt conveyor transfer points shall be limited to 10% opacity and all fugitive emissions from the crushers without a capture system shall be limited to 15% opacity.

The Permittee will comply with the monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

09-0010B: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) on September 15, 2008, for addition of ethanol and isopropyl alcohol granulation formulations to an existing Glatt 120 Fluid Bed Processor at its facility in West Rockhill Township, **Bucks County**. The potential VOC emissions from this project were estimated to be 11.7 tpy on a 12-month rolling sum basis. The facility limit for VOC emissions is 24 tpy on a 12-month rolling sum basis.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

06-05069N: East Penn Manufacturing Company, Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on September 5, 2008, for modification of various sources at the assembly plant S-1 in Richmond Township, **Berks County**.

38-03035B: V & S Lebanon Galvanizing, LLC (1000 Buckeye Park Road, Columbus, OH 43207-2509) on September 9, 2008, for an increase in the annual galvanized steel throughput from 36,000 to 46,000 tons during any consecutive 12-month period at their facility in Union Township, **Lebanon County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

15-0078D: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on September 8, 2008, to operate an electric generator in East Whiteland Township, **Chester County**.

46-0254: Campania International, Inc. (2452 Quakertown Road, Suite 100, Pennsburg, PA 18073) on September 8, 2008, to operate a spray booth in Upper Hanover Township, **Montgomery County**.

09-0126A: Air Liquide Electronics U.S., LP (19 Steel Road West, Morrisville, PA 19067) on September 8, 2008, to operate a wet scrubber S-7 in Falls Township, **Bucks County**.

15-0078C: Centocor, Inc. (200 Great Valley Parkway, Malvern, PA 19355) on September 8, 2008, to operate the No. 2 MW electric generator in East Whiteland Township, **Chester County**.

15-0015C: Sartomer Co., Inc. (502 Thomas Jones Way, Exton, PA 19341) on September 9, 2008, for modifi-

cation of an existing chemical manufacturing plant at West Chester Borough, **Chester County**. The modification involves the emissions from its exiting utility vacuums.

09-0156: Oldcastle Lawn and Garden Inc. (500 East Pumping Station Road, Quakertown, PA 18951) on September 11, 2008, to operate two diesel engines and wood processing in Richland Township, **Bucks County**.

09-0189A: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on September 15, 2008, to operate a processing plant and water suppression system in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

06-05069H: East Penn Manufacturing Company, Inc. (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on August 1, 2008, to modify their lead/acid battery assembly facility in Richmond Township, **Berks County**. This plan approval was extended.

44-05001B: Standard Steel, LLC (500 North Walnut Street, Burnham, PA 17009-1644) on September 1, 2008, for construction of a continuous wheel heat treating line with two furnaces in Burnham Borough, **Mifflin County**. This plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

17-302-024: Clearfield Area School District (428 River Road, Clearfield, PA 16830) on September 15, 2008, to extend the authorization to operate a 10 mmBtu/hr wood-fired boiler on a temporary basis to March 14, 2009, in Lawrence Township, **Clearfield County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

62-032B: Ellwood National Forge-Irvine Plant (One Front Street, P. O. Box 303, Irvine, PA 16329) on August 31, 2008, for installation of a new ladle furnace and increase production from 46,200 tpy to 150,000 tpy at facility in Brokenstraw Township, **Warren County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

21-05038: Holy Spirit Hospital (503 North 21st Street, Camp Hill, PA 17011-2288) on September 9, 2008, for operation of a medical care facility in East Pennsboro Township, **Cumberland County**. This is a renewal of the Title V operating permit.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00116: Pecora Corp. (165 Wambold Road, Harleysville, PA 19438) on September 9, 2008, for operation of mixers and cold cleaning degreasers in Lower

Salford Township, **Montgomery County**. This action is a renewal of the State-only Operating Permit (Natural Minor). The original State-only Operating Permit was issued on August 27, 2003. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting designed to keep the facility operating within all applicable air quality requirements.

46-00230: East Norriton-Plymouth-Whitpain Joint Sewer Authority (200 Ross Street, Plymouth Meeting, PA 19462) on September 9, 2008, for operation of their sewage processing plant in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. No changes have taken place at the facility since the permit was last issued on September 24, 2003. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

07-05025: Sunoco Partners & Marketing Terminals, LP (5733 Butler Street, Pittsburgh, PA 15201-2115) on September 9, 2008, for a gasoline terminal in Allegheny Township, **Blair County**. This is a renewal of the State-only operating permit.

44-05017: Overhead Door Corporation (23 Industrial Park Road, P. O. Box 110, Lewistown, PA 17044) on September 10, 2008, for operation of a steel door manufacturing facility in Granville Township, **Mifflin 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

46-00013: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902) on September 9, 2008, to amend the conditions of Title V Operating Permit for all facility NO_x sources at 2700 Funks Road, Hatfield Township, **Montgomery County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval Nos. PA-46-0013A and 46-0013B.

46-00167: Parkhouse (1600 Black Rock Road, Royersford, PA 19468) on September 11, 2008, this permit was revised for a change in ownership from Montgomery County Geriatric and Rehabilitation Center to Parkhouse and this permit was revised to incorporate a plan approval for the replacement of two boilers at this facility located in Upper Providence Township, **Montgomery County**. This Administrative Amendment of the State-only Operating Permit was issued in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-4702.

36-05100: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on September 10, 2008, to operate an asphalt plant in Manheim Township,

Lancaster County. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 2.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Barbara Hatch, Facilities Permitting Chief, (412) 442-4174.

32-00157: T. W. Phillips Gas and Oil Co. (205 North Main Street, Butler, PA 16001-4998) on September 10, 2008, for operation of Kinter Compressor Station in Rayne Township, **Indiana County**. The Title V Operating Permit was administratively amended to update the facility's responsible official and permit contact person.

65-00207: OMNOVA Solutions, Inc. (1001 Chambers Avenue, Jeannette, PA 15644-3207) on September 11, 2008, for operation of their Jeannette Plant in Jeannette City, **Westmoreland County**. The Title V Operating Permit was administratively amended to update the facility's responsible official.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, (724) 769-1100.

14743701 and NPDES Permit No. PA0600156, Pennsylvania Mines, LLC and PPL Generation, LLC (2 North Ninth Street, GEN PL6, Allentown, PA 18101), to renew the permit for the Pauline Hollow Refuse Disposal Site in Rush Township, **Centre County** and related NPDES permit. No additional discharges. Application received March 31, 2008. Permit issued September 12, 2008.

30901601 and NPDES Permit No. PA0214035, Chess Coal Company, (155 Chess Road, Smithfield, PA 15478), to renew the permit for the Poland Dock in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. Application received February 8, 2008. Permit issued September 12, 2008.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56930112 and NPDES No. PA0212636. Future Industries, Inc., P. O. Box 157, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 316 acres. Receiving streams: UNTs to/and

Rhodes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 22, 2008. Permit issued September 8, 2008.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, (724) 925-5500.

03860110 and NPDES Permit No. PA0589144. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit revision for the E & S plans to include an additional pond and mining the Lower Freeport coal seam to an existing bituminous surface/auger mine, located in East Franklin Township, **Armstrong County**, affecting 667.4 acres. Revision application received February 4, 2008. Revision permit issued September 10, 2008.

26070105 and NPDES Permit No. PA0251232. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Permit for commencement, operation and reclamation of a bituminous surface mine, located in Saltlick Township, **Fayette County**, affecting 71.6 acres. Receiving streams: UNTs to Little Champion Creek. Application received October 5, 2007. Permit issued September 12, 2008.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

17010104 and NPDES No. PA0243060. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 55.9 acres. Receiving stream UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 30, 2008. Permit issued September 3, 2008.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

54070104. South Tamaqua Coal Pockets, Inc., (804 West Penn Pike, Tamaqua, PA 18252), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 55.1 acres, receiving stream: none. Application received November 20, 2007. Permit issued September 9, 2008.

54-305-004GP12. South Tamaqua Coal Pockets, Inc., (804 West Penn Pike, Tamaqua, PA 18252), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received November 20, 2007. Permit issued September 9, 2008.

40-305-005GP12. Mineral Reclamation, LLC, (30 Market Street, Pittston, PA 18640), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40070201 in Hanover Township, **Luzerne County**. Application received March 31, 2008. Permit issued September 15, 2008.

Noncoal Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

56070301 and NPDES No. PA0262340. Keystone Lime Company, Inc., P. O. Box 278, Springs, PA 15562, commencement, operation and restoration of a sandstone surface mine in Elk Lick Township, **Somerset County**, affecting 9.5 acres. Receiving streams: UNT to Laurel Run classified for the following use: CWF. There are no

potable water supply intakes within 10 miles downstream. Application received February 27, 2007. Permit issued September 8, 2008.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

58070849. Richard D. Phillips, (R. R. 3, Box 324A3, Montrose, PA 18801), commencement, operation and restoration of a bluestone quarry operation in Oakland Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received August 15, 2007. Permit issued September 11, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Actions

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.

21084151. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for commercial development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is September 30, 2009. Permit issued September 4, 2008.

21084152. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is September 30, 2009. Permit issued September 4, 2008.

28084124. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Guilford Township, **Franklin County**. Blasting activity permit end date is September 30, 2009. Permit issued September 4, 2008.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, (814) 342-8200.

08084003. John Brainard Explosives (R. R. 1, Box 275, Kingsley, PA 18826), blasting for Chancellor No. 1 well located in Asylum Township, **Bradford County**. Permit issued September 4, 2008. Permit expires December 31, 2008.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

09084107. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Doylestown Hospital in Doylestown Township, **Bucks County** with an expiration date of September 1, 2009. Permit issued September 8, 2008.

58084002. John Brainard, (R. R. 1, Box 275, Kingsley, PA 18826), construction blasting for the Benscoter Well Site in Auburn Township, **Susquehanna County** with an expiration date of December 31, 2008. Permit issued September 9, 2008.

06084123. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for utilities 202 Museum Road in Shillington Borough, **Berks County** with an expiration date of September 1, 2009. Permit issued September 9, 2008.

06084124. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a parking lot in Marion Township, **Berks County** with an expiration date of December 30, 2008. Permit issued September 9, 2008.

360841100. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting at the Lancaster Airport in Manheim Township, **Lancaster County** with an expiration date of September 30, 2009. Permit issued September 9, 2008.

360841101. Keystone Blasting Service, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Bethany Gardens in Clay Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued September 9, 2008.

38084125. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for Fox Ridge Subdivision in South Lebanon Township, **Lebanon County** with an expiration date of September 30, 2009. Permit issued September 9, 2008.

58084101. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Cabot Oil & Gas Corp. pipeline in Dimock and Springville Townships, **Susquehanna County** with an expiration date of September 8, 2009. Permit issued September 9, 2008.

58084003. Dawson Geophysical Company, (508 West Wall, Suite 800, Midland, TX 79701) and Gregory N. Dembowski, (11019 Mill Road, East Bethany, NY 14054), construction blasting for Mehoopany 3D—Seismic Program in Rush, Auburn and Meshoppen Townships, **Susquehanna and Wyoming Counties** with an expiration date of March 31, 2009. Permit issued September 10, 2008.

06084125. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Kutztown Sewer Treatment Plant expansion in Maxatawny Township, **Berks County** with an expiration date of September 1, 2009. Permit issued September 11, 2008.

45084146. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Castle Rock Acres in Middle Smithfield Township, **Monroe County** with an expiration date of September 30, 2009. Permit issued September 12, 2008.

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.

E15-773. John D. Reid, 480 West Christine Road, Nottingham, PA 19362, West Nottingham Township, **Chester County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a driveway bridge located in and across Black Run (TSF, MF). This bridge will provide access to a single-family dwelling. The proposed bridge and driveway will impact wetlands 0.01 acre (PEM). The project is located east of the intersection of Park and Deer Path Roads (Rising Sun, MD-PA Quadrangle N: 21.1 inches; W: 7.8 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 134(a)).

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.

E21-402: Anne Shambaugh, Camp Hill Borough, 2145 Walnut Street, Camp Hill, PA 17011, Camp Hill Borough, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: 1) eleven 8.0-foot long by 8.0-foot wide rock weirs permanently impacting 704.0 square feet of stream channel; 2) bank regrading permanently impacting 931.0 cubic feet of stream bank; 3) twelve boulder bank revetments permanently impacting 1,676.0 square feet of stream channel; 4) regrading flood bench permanently impacting 846.0 square feet of

floodway; 5) four stacked boulder walls permanently impacting 747.0 square feet of stream channel; 6) channel reconstruction permanently impacting 2,210.0 square feet of stream channel; 7) one stepped boulder bank permanently impacting 216.0 square feet of stream channel; 8) boulder paved outlet apron permanently impacting 40.0 square feet of stream channel; 9) stacked boulder abutments permanently impacting 320.0 square feet of stream channel; 10) 109.0 linear feet split rail fence permanently impacting the floodway; 11) an 8.0-foot long by 6.5-foot wide puncheon bridge permanently impacting 52.0 square feet of floodway; 12) two stepped swales permanently impacting 440.0 square feet of floodway; 13) a 55.0-foot long by 5.0-foot wide gravel walking path permanently impacting 275.0 linear feet of floodway; 14) a flagstone terrace permanently impacting 445.0 square feet of floodway; 15) two rain gardens permanently impacting 757.0 square feet of floodway; 16) removal of an abandoned dam permanently impacting 24.0 square feet of stream channel; 17) a headwall removal permanently impacting 8.0 square feet of stream channel headwall; 18) removal of railroad tie wall permanently impacting 40.0 square feet of floodway; 19) removal of four culvert pipes permanently impacting 111.0 linear feet of stream channel; 20) excavation in two palustrine emergent wetlands permanently impacting 206.3 square feet of wetland; 21) two rock construction entrances temporarily impacting 1,242.0 square feet of floodway; 22) one stockpile of fill temporarily impacting 4,008.0 square feet of floodway; and 23) a silt fence temporarily impacting 264.0 linear feet of floodway.

All activities are related to the rehabilitation and maintenance of a UNT to Cedar Run (CWF-WT) located downstream of Logan Street culvert to the Market Street culvert (Lemoyne, PA Quadrangle N: 21.55 inches; W: 7.0 inches, Latitude: 40° 14' 37"; Longitude: 76° 55' 31" and N: 20.95 inches; W: 7.1 inches, Latitude: 40° 14' 25"; Longitude: 76° 55' 33") in Camp Hill Borough, Cumberland County. The permittee is required to provide a minimum of 0.005 acre of replacement wetland for impacting exceptional value wetlands.

E67-814: Timothy Pasch, 2645 Carnegie Road, York, PA 17402, Springettsbury Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To replace two existing 50-foot long, 48-inch CMPs and one 50-foot long, 36-inch RCP with a single cell 140-foot long, 14-foot wide by 4-foot high concrete box culvert, depressed 6-inches with baffles in a UNT to Kreutz Creek (WWF) for the purpose of developing a commercial building lot (York, PA Quadrangle N: 19.35 inches; W: 3.75 inches, Latitude: 39° 58' 53"; Longitude: 76° 35' 53") in Springettsbury Township, York County. The project will result in an additional 90 feet of permanent channel impacts from the stream enclosure.

E22-514: Mount Calvary Christian School, 629 North Holley Street, P. O. Box 508, Elizabethtown, PA 17033, Conewago Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To perform excavation and filling in the floodway of both Brills Run (TSF) and Conewago Creek (TSF) to construct athletic fields for the Mount Calvary Christian School. The project is located near the intersection of South Hertzler and Hoffer Road in Elizabethtown, PA (Middleton, PA Quadrangle N: 10.6 inches; W: 1.0 inch, Latitude: 40° 10' 49"; Longitude: 76° 37' 98") in Conewago Township, Dauphin County.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.

E60-181. Arthur Keister, 150 Silver Moon Lane, Lewisburg, PA 17837. Water Obstruction and Encroachment Joint Permit, Silver Moon Development, in Kelly Township, **Union County**, United States Army Corps of Engineers, Baltimore District (Lewisburg, PA Quadrangle N: 40° 59' 29"; W: 76° 53' 03").

To construct and maintain 91 linear feet of 36-inch diameter HDPE culvert, 85 linear feet of 77-inch by 55-inch steel arch pipe, 17 linear feet of 10-inch diameter SDR PVC sewer pipe, all of which are located along a UNT to the West Branch of the Susquehanna River; 135 linear feet of 5 foot high concrete retaining wall, to include R-4 riprap protection along the toe, within the floodway of a UNT to the West Branch of the Susquehanna River. The project will permanently impact 0.42 acre of jurisdictional wetlands and 298 linear feet of waterway. The project is located 1.2 miles north of Lewisburg along the western right-of-way of SR 0015 in Kelly Township, Union County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-722, Millcreek Township, 3608 West 26th Street, Millcreek, PA 16506-2037. Edgevale Drive Pipe, in Millcreek Township, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Erie, PA Quadrangle N: 42° 4' 54.55"; W: 80° 4' 28.11").

To construct and maintain a 60-foot long 5-foot diameter CMP extension of an existing stream enclosure in a UNT Mill Creek approximately 600 feet SW of the intersection of Edgevale Drive and Heidi Avenue (Erie, PA Quadrangle N: 42° 4' 54.55"; W: 80° 4' 28.11") in Millcreek Township, Erie County. The UNT Mill Creek is a perennial stream classified as a WWF and MF.

E33-230, Winslow Township, 1277 Yellow Brick Road, Reynoldsville, PA 15851. Village of Soldier Wastewater Collection and Water Supply System, in Winslow Township and Sykesville Borough, **Jefferson County**, United States Army Corps of Engineers, Pittsburgh District (DuBois, PA Quadrangle N: 41° 03' 45"; W: 78° 50' 38").

To construct and maintain wastewater collection and drinking water distribution systems to serve the Village of Soldier and surrounding area including the installation of approximately 23,000 feet of sanitary sewer force mains and gravity lines, two pump stations and approximately 20,000 feet of potable water lines. The project includes the following impacts:

1. Seven sanitary sewer line and three water line crossings of tributaries to Soldier Run (CWF).
2. Two sanitary sewer line and three water line crossings of tributaries to Sugarcamp Run (HQ-CWF).
3. Two water line crossings, two gravity sanitary sewer line crossings and two sanitary sewer force main crossings of three wetland areas in the Soldier Run watershed.
4. Two sanitary sewer pump stations and associated fill within the 100-year floodplain of a tributary to Soldier Run.

E42-338, Paul Wittenbrink, 434 Hammock Drive, Orchard Park, NY 14127. Wittenbrink Residence Small Flow Treatment Facility Outfall to Chandler Run, in Corydon Township, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Stickney, PA-NY Quadrangle N: 41° 58' 55.8"; W: 78° 49' 7.4").

To construct and maintain a 4-inch-diameter PVC outfall pipe from a small flow treatment facility along the left side of Chandler Run (HQ-CWF) at a private residence along the east side of Wolf Run Road approximately 4.5 miles north of SR 346.

DAM SAFETY

Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.

D40-244. Wyoming Valley Inflatable Dam. Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711.

To construct, operate and maintain Wyoming Valley Inflatable Dam across the Susquehanna River (WWF), impacting 1.06 acres of wetlands (Palustrine Emergent and Palustrine Forested) and 4.5 miles of river and providing 1.06 acres of wetland mitigation, for the purpose of revitalizing interest in the river through new recreation, scenic and economic opportunities. Work includes construction of a 9.5-foot high 960-foot long inflatable run-of-the-river dam (Wilkes-Barre West, PA Quad-range N: 22.0 inches; W: 5.9 inches) in the City of Wilkes-Barre and Borough of Larksville, **Luzerne County**. This dam permit application has been denied.

SPECIAL NOTICES

Southwest Region: Watershed Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Watershed of Pumpkin Run (Greene County)

The Department of Environmental Protection (Department) will accept comments on the proposed TMDL developed for the watershed of Pumpkin Run in Greene County. The TMDL was established in accordance with the requirements of section 303(d) of The Clean Water Act. Streams within this watershed are listed in Pennsylvania's Integrated Water Quality Monitoring and Assessment Report as being impaired due to excessive nutrient loading and organic enrichment/low dissolved oxygen levels resulting from agricultural activities.

Impairments were addressed by establishing a TMDL of phosphorus, which was calculated to be the limiting nutrient. There currently are no State or Federal in-stream numerical water quality criteria for phosphorus. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. The proposed TMDL sets allowable loadings of phosphorus in the watershed of Pumpkin Run. Phosphorus loadings were allocated among all land use categories present in the watershed and to existing point sources. Data used in establishing this TMDL were generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting documentation used to develop the proposed TMDL are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL). To request a copy of this TMDL, contact: Joe Boylan at joboylan@state.pa.us or 400 Waterfront Drive, Pittsburgh, PA 15222.

The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval. Written comments will be accepted at the previous address and must be received by November 2, 2008. A public meeting to discuss the technical merits of the TMDL will be held on Wednesday, October 15, 2008, at 6 p.m. at the Rices Landing Borough Community Building, 100 Water Street, Rices Landing, PA 15317.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, (814) 797-1191.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Licking Creek Watershed in Clarion County

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a proposed TMDL for the Licking Creek Watershed in Clarion County. The meeting will be held on October 2, 2008, beginning at 1 p.m. at the Knox District Mining Office in Knox, PA. The proposed TMDL was developed in accordance with the requirements of The Clean Water Act, section 303(d). Eighty-one segments in the Licking Creek Watershed (including Anderson, Cherry and Craggs Runs, Little Licking Creek and Mineral Run) have been identified as impaired on the 1996, 1998, 2002, 2004 and 2006 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals.

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th century and mining occurs on a smaller scale today. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations which are established for permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over a 2 year period.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814)

797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Mining Office can also be obtained by contacting this address.

The proposed TMDL for the Licking Creek Watershed can be accessed through the Department's web site, www.dep.state.pa.us, by typing "TMDL" in the DEP Keyword field and clicking GO.

Written comments will be accepted at the previous address and must be postmarked by November 26, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m., Wednesday, October 1, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 797-1191 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Mill Creek Watershed in Clarion and Jefferson Counties

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a proposed TMDL for the Mill Creek Watershed in Clarion County (Clarion and Millcreek Townships) and Jefferson County (Eldred and Union Townships). The meeting will be held on October 2, 2008, beginning at 10 a.m. at the Knox District Mining Office in Knox, PA. The proposed TMDL was developed in accordance with the requirements of The Clean Water Act, section 303(d). Four stream segments in the Mill Creek Watershed have been identified as impaired on the 1996, 1998, 2002, 2004 and 2006 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
49706	Mill Creek	20.6
49715	UNT Mill Creek	1.1
49716	UNT Mill Creek	0.8
49766	UNT Mill Creek	0.6

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the late 19th century and mining continues on a smaller scale today. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations which are established for permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that

each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over a 10-year period.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P.O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Mining Office can also be obtained by contacting this address.

The proposed TMDL for the Mill Creek Watershed can be accessed through the Department's web site at www.dep.state.pa.us by typing "TMDL" in the DEP Keyword field and clicking GO.

Written comments will be accepted at the previous address and must be postmarked by November 26, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m., Wednesday, October 1, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 797-1191 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Load (TMDL) for the Little Toby Creek Watershed in Elk and Jefferson Counties

The Department of Environmental Protection (Department) is holding a public meeting to discuss and accept comments on a proposed TMDL for the Little Toby Creek Watershed in Elk and Jefferson Counties. The meeting will be held on October 7, 2008, beginning at 10 a.m. at the Knox District Mining Office in Knox, PA. The proposed TMDL was developed in accordance with the requirements of The Clean Water Act, section 303(d). Sixty-eight stream segments in the Little Toby Creek Watershed have been identified as impaired on the 1996, 1998, 2002, 2004 and 2006 Pennsylvania 303(d) lists due to depressed pH and high concentrations of metals.

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily

mined for coal in the late 19th century and mining continues on a smaller scale today. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations which are established for permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected over a 10-year period.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Mining Office can also be obtained by contacting this address.

The proposed TMDL for the Little Toby Creek Watershed can be accessed through the Department's web site at www.dep.state.pa.us by typing "TMDL" in the Department Keyword field and clicking GO.

Written comments will be accepted at the previous address and must be postmarked by November 26, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m., Monday, October 6, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 797-1191 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, (570) 621-3118.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDL) for the Pond Creek and Sandy Run Watersheds in Luzerne County

The Department of Environmental Protection (Department) is holding a public meeting on October 30, 2008, beginning at 10 a.m. at the Pottsville District Office in Pottsville, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. The Pond Creek and Sandy Run Watersheds have been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals.

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 19th and 20th centuries. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data between 2006 and 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact James Andrews at (570) 621-3118 between 8 a.m. and 4 p.m., Monday through Friday, at Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901. E-mail will be received at jameandrew@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 20, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m., Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the EPA for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDL) for the Bucks Mountain Watershed in Carbon and Luzerne Counties

The Department of Environmental Protection (Department) is holding a public meeting on October 30, 2008, beginning at 1 p.m. at the Pottsville District Office in Pottsville, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. The Buck Mountain Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals. The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH, and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 19th and 20th centuries. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data between 2006 and 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact James Andrews at (570) 621-3118 between 8 a.m. and 4 p.m., Monday through Friday, at Pottsville District Mining Office, 5 West Laurel Boulevard, Pottsville, PA 17901. E-mail will be received at jameandrew@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 20, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m., Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Ebensburg District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDL) for Buffalo Creek Watershed in Somerset County

The Department of Environmental Protection (Department) is holding a public meeting on October 28, 2008, beginning at 1 p.m. at the Ebensburg District Office in Ebensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the Buffalo Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
39075	Buffalo Creek	7.5

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2006 and 2007.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Miles Baird at (814) 472-1889 between 8 a.m. and 3 p.m., Monday through Friday, at Ebensburg District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at mbaird@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 27, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m., Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDL) for Coxes Creek Watershed in Somerset County

The Department of Environmental Protection (Department) is holding a public meeting on October 28, 2008, beginning at 1 p.m. at the Ebensburg District Office in Ebensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. Two stream segments in

the Coxes Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38944	Coxes Creek	1
39012	East Branch Coxes Creek	1

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals, sediment and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2007 and 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Mike Timcik at (814) 472-1936 between 8 a.m. and 3 p.m., Monday through Friday, at Ebensburg District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at mtimcik@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 27, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3 p.m., Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Request for Comment and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDL) for Rock Run Watershed in Cambria County

The Department of Environmental Protection (Department) is making available for public comment a revised TMDL for the Rock Run Watershed. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the Rock Run Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>
26872	Rock Run

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2005.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Tim Kania at (814) 472-1891 between 8 a.m. and 3 p.m., Monday through Friday, at Ebensburg District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at tkania@state.pa.us.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 27, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

**Request for Comment and Notice of Public Meeting
for the Proposed Total Maximum Daily Loads
(TMDL) for Whites Creek Watershed
in Somerset County**

The Department of Environmental Protection (Department) is holding a public meeting on October 28, 2008, beginning at 1 p.m. at the Ebensburg District Office in Ebensburg, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the Whites Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38778	Whites Creek	2

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the watershed is abandoned mine workings. This watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the watershed. The basis of information used in the establishment of this TMDL is field data collected throughout 2007 and 2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Mike Timcik at (814) 472-1936 between 8 a.m. and 3 p.m., Monday through Friday, at Ebensburg District Mining Office, 286 Industrial Park Road, Ebensburg, PA 15931. E-mail will be received at mtimcik@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 27, 2008. Persons who plan to make a presentation at the public meeting should notify the Department no later than 3

p.m., Friday, October 24, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

*Knox District Mining Office: White Memorial Building,
310 Best Avenue, Knox, PA 16232.*

**Request for Comment and Notice of Public Meeting
for the Proposed Total Maximum Daily Loads
(TMDL) for UNT to Connoquenessing Creek
Watershed in Butler County**

The Department of Environmental Protection (Department) is accepting comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment in the UNT to Connoquenessing Creek Watershed has been identified as impaired on the 1996 Pennsylvania 303(d) list due to siltation; additional segments were identified in 1998, 2002, 2004 and 2006. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
35314	UNT to Connoquenessing Creek	1.5

There currently are no State or Federal instream numerical water quality criteria for siltation or suspended solids. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the UNT to Connoquenessing Creek Watershed. The sediment loadings were allocated among all land use categories present in the watersheds. Data used in establishing these TMDLs was generated using a water quality analysis model designed by the Pennsylvania State University.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Bill Brown at (717) 783-2951 between 8 a.m. and 3 p.m., Monday through Friday, at 400 Market Street, 10th Floor RCSOB, Harrisburg, PA 17105.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by November 20, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

[Pa.B. Doc. No. 08-1751. Filed for public inspection September 26, 2008, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site 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 2008.

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.

Interim Final Technical Guidance

DEP ID: 274-0300-006. Title: Interim Technical Guidance Pertaining to Continuous Source Monitoring Systems for Mercury. Description: This interim final technical guidance is needed to enable owners and operators of electric generating units (EGUs) subject to 25 Pa. Code §§ 123.201—123.215 (relating to standards for contaminants mercury emissions) to meet the January 1, 2009, deadline established in § 123.210(e) and (f) (relating to general monitoring and reporting requirements) for certification, operation and reporting of continuous source monitoring systems and excepted monitoring technologies. Sections 123.210—123.215 establish requirements for monitoring, certification, sampling and recordkeeping and reporting for continuous source monitoring systems. Many of these requirements reference provisions of 40 CFR Part 75, Subpart I (relating to Hg Mass Emission Provisions) and 40 CFR 63.7521 (relating to What fuel analyses and procedures must I use?).

This interim final technical guidance document will provide specifications and procedures for mercury continuous source monitoring systems. The guidance will be used by owners and operators of EGUs subject to §§ 123.201—123.215 and by Department personnel responsible for ensuring compliance. The interim technical guidance will remain in effect until the Department adopts revisions to the Continuous Source Monitoring Manual referenced in 25 Pa. Code § 139.102(3) (relating to references). Written Comments: Interested persons may submit written comments on the interim final technical guidance document until October 27, 2008. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Tony A. Pitts, Air Quality Program Specialist, Continuous Source Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or tpitts@state.pa.us. Interim Final Effective Date: September 27, 2008. Contact: Questions regarding the draft interim technical guidance document should be directed to Tony A. Pitts at (717) 772-3973 or tpitts@state.pa.us.

Notice To Rescind Technical Guidance

DEP ID: 012-5500-001. Title: 2008 Environmental Education Grants Program Manual and Forms. Description: The 2008 Environmental Education Grants Program

Manual and Forms was formerly issued by the Department on October 1, 2008, to provide guidance to organizations interested in applying for the Department's Environmental Education grants program. The Pennsylvania Environmental Education Act (35 P.S. §§ 7521—7528), which authorized that the guidance be provided for public comment, was amended on July 9, 2008. Under the amendments enacted, the Department is no longer required to provide a public comment review period concerning any proposed changes to the guidance. In lieu of retaining the guidance as a Technical Guidance document, with ensuing public comment requirements, the Department is rescinding the guidance. Guidance to apply for future Environmental Education Grants will be announced in the *Pennsylvania Bulletin* and will be available from the Department (see 38 Pa.B. for information on the 2009 Environmental Education Grants Program). Contact: Lisa Zell, Department of Environmental Protection, Environmental Education and Information Center, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 705-4086 or lzell@state.pa.us. Effective Date: September 27, 2008.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1752. Filed for public inspection September 26, 2008, 9:00 a.m.]

Bid Opportunity

OSM 40(1333)101.1, Abandoned Mine Reclamation Project, Pittston Plaza Mall, Pittston Township, Luzerne County. The principal items of work and approximate quantities include 654,680 cubic yards of grading, 2,550 cubic yards of ditch excavation, 2,080 square yards of Rock Lining and 78.0 acres of seeding. This project issues on September 26, 2008, and bids will be opened on October 23, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1753. Filed for public inspection September 26, 2008, 9:00 a.m.]

Oil and Gas Technical Advisory Board; Meeting Cancellation

The October 9, 2008, meeting of the Oil and Gas Technical Advisory Board has been cancelled. Details concerning the rescheduling of the meeting will appear in a future issue of the *Pennsylvania Bulletin*.

Questions concerning the cancellation of the October 9, 2008, meeting may be directed to Carol Daniels at (717) 772-2199, cardaniels@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Carol Daniels directly at (717) 772-2199 or

through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1754. Filed for public inspection September 26, 2008, 9:00 a.m.]

2009 Environmental Education Grants Program; Application Announcement

Applications for the 2009 Environmental Education Grants Program are now available from the Department of Environmental Protection (Department). The grants provide funding to schools, universities, nonprofit organizations and county conservation districts to create or develop projects that support environmental education in this Commonwealth. Grant amounts vary from \$3,000 for mini-grants to up to \$20,000 to provide environmental education on timely and critically important topics, including the following:

- Sustainable energy sources, such as solar, wind, biomass and geothermal and alternative transportation fuels.
- Air quality, with a focus on improvements in transportation and electric-generation to reduce ground-level ozone or smog.
- Watersheds and wetlands, focusing on abating acid mine drainage, reducing nonpoint source pollution and enhancing water conservation in this Commonwealth.

The Environmental Education Grants Program was established by the Environmental Education Act of 1993 (35 P. S. §§ 7521—7528), which mandates setting aside 5% of the pollution fines and penalties collected annually by the Department for environmental education in this Commonwealth. Grant applications submitted to the Department must be postmarked by December 12, 2008, to be eligible for consideration.

Applications may be obtained by contacting the Department of Environmental Protection Environmental Education Grants Program, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1828. Applications are also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keyword: EE Grants).

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-1755. Filed for public inspection September 26, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Establishment of Minimum Standard Requirements for Sexual Assault Evidence Collection

On November 29, 2006, Governor Edward G. Rendell approved the Sexual Assault Testing and Evidence Collection Act (Act) (35 P. S. §§ 10172.1—10172.4). Section 3 of the act establishes a Statewide sexual assault evidence collection program to be administered by the Department of Health (Department). See 35 P. S. § 10172.3. Under this program the Department is to consult with the

Pennsylvania Coalition Against Rape (PCAR) and the Pennsylvania State Police (PSP), to develop and review on a scheduled basis the minimum standard requirements for all rape kits used in hospitals and health care facilities in this Commonwealth, to test and approve commercially available rape kits for use in this Commonwealth and establish a program to train appropriate personnel in the correct use and application of rape kits.

Under the act, the Department, in consultation with PCAR and PSP, established a Sexual Assault Evidence Collection Committee (SAEC). The SAEC included representatives of the Department, PCAR, PSP, the Hospital and Healthsystem Association of Pennsylvania (HAP), forensic nurse examiners, members of sexual assault response teams (SART) and law enforcement.

In accordance with the act, the SAEC formulated minimum standard requirements for sexual assault evidence collection in the Commonwealth. Beginning October 1, 2008, the minimum standards requirements established by the SAEC should be observed by all health care facilities and child advocacy centers in the Commonwealth, and these facilities and centers should meet or exceed those minimum standard requirements.

Under 28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services), all hospitals providing sexual assault emergency services under the Department's Sexual Assault Victim Emergency Services regulations (28 Pa. Code §§ 117.51—117.58) "shall utilize a rape kit that complies with the minimum standard requirements developed by the Department or that is otherwise approved by the Department under the [Act]." See 28 Pa. Code § 117.52(a)(1). Accordingly, this publication shall serve as notice to those hospitals of the minimum standard requirements developed by the Department under the act.

Minimum Standard Requirements Sexual Assault Evidence Collection Kit Contents

PACKAGING: 1 Sealed Kit

STEP 1: Consent for Collection and Release of Evidence and Information.

STEP 2: 1 Paper Drop Sheet located in bag labeled "Foreign Material."

4 Total Clothing Bags.

1 Bag labeled "UNDERPANTS."

- One flat bottom small bag.

3 Bags labeled "CLOTHING."

- One flat bottom small bag.
- Two medium bags.

1 Unsealed Self-Adhesive Envelope.

STEP 3: ORAL ASSAULT COLLECTION SAMPLES.

- One slide with frosted ends in plastic case.
- One set of sterile swabs.
- One box with hole, to mark "Oral."

1 Unsealed Self-Adhesive Envelope.

STEP 4: MISCELLANEOUS COLLECTION.

- One piece folded paper.
- One set of sterile swabs.
- One box with hole.
- Wax paper bag for collection of tampon or sanitary napkin.

1 Unsealed Self-Adhesive Envelope.**STEP 5: FINGERNAIL CLIPPINGS/SCRAPINGS.**

- Clippers.
- Two folded pieces of paper.
- Two nail scrapers.

1 Unsealed Self-Adhesive Envelope.**STEP 6: PUBIC HAIR COMBINGS.**

- Plastic comb.
- Folded paper.

1 Unsealed Self-Adhesive Envelope.**STEP 7: VAGINAL ASSAULT COLLECTION SAMPLES.**

- Two sets of sterile swabs.
- One slide with frosted ends in plastic case.
- Two boxes with holes; one to mark "Vaginal", one to mark "Cervical."

1 Unsealed Self-Adhesive Envelope**STEP 8: RECTAL ASSAULT COLLECTION SAMPLES.**

- One set of sterile swabs.
- One slide with frosted ends in plastic case.
- One box with hole, to mark "Rectal."

STEP 9: BUCCAL SWAB COLLECTOR.

- Bode's integrated Buccal DNA Collector only.

STEP 10: TRANSFER OF EVIDENCE/CHAIN OF CUSTODY FORM.**OTHER REQUIRED CONTENTS.**

- Collection instructions, available at www.health.state.pa.us/saforms
 - How to collect each sample.
 - When to collect each sample.
- One (1) biohazard sticker.
 - To be used on outside of box after collection.
- Six (6) Evidence Tape Seals.
 - Two (2) to be used to seal the kit (Across bottom of kit attached to each side of lid).
 - Four (4) to be used to seal the bags for Step 1: Clothing and Underpants (Fold tops of bags and tape shut).

ADDITIONAL CONSIDERATIONS

** Optional forms for use in documenting consent and findings can be found at: www.health.state.pa.us/saforms

** All packaging in kit must have sufficient space to write the patient's name, the date and time of collection of the item, and the initials of the person collecting the item. If a sample is not collected, the reason why a sample is not being collected.

** Kit box: Cover should have area for recording victim's and healthcare providers' names; whether tampon/sanitary napkin is included in kit; and chain of custody information. The two sides of the kit should have areas outlined where the seal included in the kit should be attached to properly seal the kit. The bottom end of the kit should have an area outlined where a label generated by the laboratory could be placed.

** Do not collect clothing if victim changed clothes prior to exam.

** All boxes with holes would have check-off for "Oral, Cervical, Rectal, Vaginal."

** Fingernail clippings preferred as provides a better visual aid for lab analysis. Recommend collection of this evidence even if patient cannot remember scratching perpetrator.

** Pubic hair—Collect if genital and/or rectal contact.

** Vaginal and Cervical evidence should be collected even if patient not sure of the method of assault.

** Slides should be prepared using "S" method.

** Vaginal/Cervical swabs and smears can be collected separately but included in the same envelope since they are both collected as evidence of a vaginal assault.

** Rectal assault collection samples. Note: Encourage collection since leakage from vaginal cavity to rectal cavity possible even without rectal penetration.

** Penile swabs, if indicated, can be collected in any of the available envelopes and the envelope relabeled to indicate penile swab.

** Buccal Swab Collector. Note: Rinse mouth thoroughly with water before swabbing for Patient's DNA sample. PSP Lab recommends that buccal swab be the last step in the examination for the best sample of the patient's DNA.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Sandra Knoble, Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6414 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,

Secretary

[Pa.B. Doc. No. 08-1756. Filed for public inspection September 26, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.9 (relating to corridors).

Rest Haven-York
1050 South George Street
York, PA 17403

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(f) (relating to resident bedrooms).

Barbara J. Egan Nursing and Rehabilitation Center
200 Luther Road
Shrewsbury, PA 17361

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address listed previously.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotope, Braille), should contact the Division of Nursing Care Facilities at the address listed previously or for speech and/or hearing impaired persons V/TT (717) 783-6514 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. 08-1757. Filed for public inspection September 26, 2008, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery system), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department of Health (Department) will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.47
12 oz. Evaporated Milk	\$1.17
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.05
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.71
8 oz. Kosher Infant Cereal	\$2.10
1 doz. Grade A Eggs	\$1.67
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$6.63
1 lb. Dry Beans or Peas	\$1.78
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.10
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.12
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.05

<i>Description</i>	<i>Maximum Allowable Price</i>
4 oz. Gerber Infant Juice	\$0.71
32 oz. Alimentum Advance Ready-to-Feed Formula	\$8.91
16 oz. Alimentum Advance Powder Formula ...	\$25.27
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$13.86
13 oz. Isomil Advance Concentrate Formula ...	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$5.97
12.9 oz. Isomil Advance Powder Formula	\$14.48
12.9 oz. Similac Go and Grow Soy Formula ...	\$12.61
24 oz. Similac Go & Grow Soy Formula	\$22.58
13 oz. Isomil with Iron Concentrate Formula ...	\$4.56
12.9 oz. Isomil with Iron Powder Formula	\$13.66
32 oz. Isomil DF Ready-to-Feed Formula	\$6.21
13 oz. Nutramigen Lipil Concentrate Formula .	\$7.01
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$8.98
16 oz. Nutramigen Lipil Powder Formula	\$25.26
8 oz. Pediasure Ready-to-Feed Formula	\$1.80
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$1.84
13 oz. Similac Advance Concentrate Formula ..	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.20
12.9 oz. Similac Go & Grow Milk Formula	\$12.44
24 oz. Similac Go & Grow Milk Formula	\$22.27
13 oz. Similac with Iron Concentrate Formula .	\$4.19
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.60
12.9 oz. Similac with Iron Powder Formula ...	\$12.75
13 oz. Similac Sensitive Concentrate Formula ..	\$4.83
32 oz. Similac Sensitive Ready-to-Feed Formula	\$5.94
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$5.96
12.9 oz. Similac Sensitive Powder	\$14.62
12.8 oz. Similac Neosure Advance Powder Formula	\$15.03
32 oz. Similac Neosure Advance RTF Formula .	\$7.40
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.13
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.19
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow	\$20.56
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.46
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.37
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.43
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal	\$20.56
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green	\$14.02
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White	\$24.91
12 oz. Nestlé Good Start Powder—Purple	\$10.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the

store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.33
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.33
12 oz. Evaporated Milk	\$1.11
16 oz. Dry Milk	\$5.76
1 doz. Grade A Eggs	\$1.60
1 lb. Fresh Carrots	\$1.07
14 to 16 oz. Canned Carrots	\$1.07
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$6.03
1 lb. Dry Beans or Peas	\$1.58
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$2.10
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.85
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$0.98
4 oz. Gerber Infant Juice	\$0.71
13 oz. Isomil Advance Concentrate Formula	\$4.82
32 oz. Isomil Advance Ready-to-Feed Formula	\$5.97
12.9 oz. Isomil Advance Powder Formula	\$14.48
13 oz. Similac Advance Concentrate Formula	\$4.32
32 oz. Similac Advance Ready-to-Feed Formula	\$6.25
12.9 oz. Similac Advance Powder Formula	\$13.20
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.13
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.19
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.46
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.37
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.43

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.47
12 oz. Evaporated Milk	\$1.33
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.14
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.75
8 oz. Kosher Infant Cereal	\$2.17
1 doz. Grade A Eggs	\$1.68
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$6.63
1 lb. Dry Beans or Peas	\$1.96
1 oz. Adult WIC Cereal	\$0.34
8 oz. Gerber Infant Cereal	\$2.17
15 to 18 oz. Peanut Butter	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.31
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.75
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.43
16 oz. Alimentum Advance Powder Formula	\$26.86
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.44
13 oz. Isomil Advance Concentrate Formula	\$4.95
32 oz. Isomil Advance Ready-to-Feed Formula	\$6.16
12.9 oz. Isomil Advance Powder Formula	\$14.83
12.9 oz. Similac Go and Grow Soy Formula	\$12.66
24 oz. Similac Go & Grow Soy Formula	\$22.67
13 oz. Isomil with Iron Concentrate Formula	\$4.81
12.9 oz. Isomil with Iron Powder Formula	\$13.88
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
13 oz. Nutramigen Lipil Concentrate Formula	\$7.30
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$26.93
8 oz. Pediasure Ready-to-Feed Formula	\$2.13
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.09
13 oz. Similac Advance Concentrate Formula	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula	\$6.38
12.9 oz. Similac Advance Powder Formula	\$13.72
12.9 oz. Similac Go & Grow Milk Formula	\$12.44
24 oz. Similac Go & Grow Milk Formula	\$22.27
13 oz. Similac with Iron Concentrate Formula	\$4.23
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.60
12.9 oz. Similac with Iron Powder Formula	\$13.20
13 oz. Similac Sensitive Concentrate Formula	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.18
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.32
12.9 oz. Similac Sensitive Powder	\$15.07
12.8 oz. Similac Neosure Advance Powder Formula	\$15.89
32 oz. Similac Neosure Advance RTF Formula	\$7.65
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.64

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.44
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow.....	\$22.19
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.52
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue.....	\$4.80
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue.....	\$6.78
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal.....	\$22.19
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green.....	\$14.76
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White.....	\$25.99
12 oz. Nestlé Good Start Powder—Purple.....	\$10.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.33
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim.....	\$2.33
12 oz. Evaporated Milk.....	\$1.25
16 oz. Dry Milk.....	\$6.27
1 doz. Grade A Eggs.....	\$1.60
1 lb. Fresh Carrots.....	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$6.03
1 lb. Dry Beans or Peas	\$1.73
1 oz. Adult WIC Cereal.....	\$0.34
8 oz. Gerber Infant Cereal.....	\$2.17
15 to 18 oz. Peanut Butter.....	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....	\$2.98
6 to 6.5 oz. Chunk Light Tuna Packed in Water.....	\$1.04
4 oz. Gerber Infant Juice	\$0.75
13 oz. Isomil Advance Concentrate Formula....	\$4.95
32 oz. Isomil Advance Ready-to-Feed Formula..	\$6.16
12.9 oz. Isomil Advance Powder Formula	\$14.83
13 oz. Similac Advance Concentrate Formula ..	\$4.49
32 oz. Similac Advance Ready-to-Feed Formula.....	\$6.38
12.9 oz. Similac Advance Powder Formula	\$13.72
12 oz. Nestlé Good Start DHA/ARA Powder—Orange.....	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.64

<i>Description</i>	<i>Competitive Prices</i>
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.44
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.52
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue.....	\$4.80
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue.....	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.47
12 oz. Evaporated Milk.....	\$1.36
16 oz. Dry Milk.....	\$6.27
1 qt. Lactose Reduced Milk	\$2.14
1/2 gal. Kosher Milk	\$2.99
4 oz. Kosher Infant Juice	\$0.78
8 oz. Kosher Infant Cereal.....	\$2.30
1 doz. Grade A Eggs.....	\$1.91
1 lb. Fresh Carrots.....	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.63
1 lb. Kosher Cheese	\$6.89
1 lb. Dry Beans or Peas	\$1.96
1 oz. Adult WIC Cereal.....	\$0.38
8 oz. Gerber Infant Cereal.....	\$2.30
15 to 18 oz. Peanut Butter.....	\$3.19
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....	\$3.31
6 oz. Cans Juice	\$1.69
6 to 6.5 oz. Chunk Light Tuna Packed in Water.....	\$1.11
4 oz. Gerber Infant Juice	\$0.78
32 oz. Alimentum Advance Ready-to-Feed Formula.....	\$9.43
16 oz. Alimentum Advance Powder Formula ...	\$26.99
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula.....	\$14.44
13 oz. Isomil Advance Concentrate Formula....	\$5.45
32 oz. Isomil Advance Ready-to-Feed Formula..	\$7.39
12.9 oz. Isomil Advance Powder Formula	\$16.09
12.9 oz. Similac Go and Grow Soy Formula	\$12.66
24 oz. Similac Go & Grow Soy Formula.....	\$22.67
13 oz. Isomil with Iron Concentrate Formula..	\$5.41
12.9 oz. Isomil with Iron Powder Formula	\$14.74
32 oz. Isomil DF Ready-to-Feed Formula	\$8.19
13 oz. Nutramigen Lipil Concentrate Formula ..	\$7.79
32 oz. Nutramigen Lipil Ready-to-Feed Formula.....	\$9.20
16 oz. Nutramigen Lipil Powder Formula.....	\$28.36
8 oz. Pediasure Ready-to-Feed Formula.....	\$2.58

Description	Maximum Allowable Price
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02
12.9 oz. Similac Go & Grow Milk Formula	\$12.44
24 oz. Similac Go & Grow Milk Formula	\$22.27
13 oz. Similac with Iron Concentrate Formula	\$4.86
32 oz. Similac with Iron Ready-to-Feed Formula	\$6.95
12.9 oz. Similac with Iron Powder Formula	\$14.64
13 oz. Similac Sensitive Concentrate Formula	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.63
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$7.50
12.9 oz. Similac Sensitive Powder	\$15.12
12.8 oz. Similac Neosure Advance Powder Formula	\$15.89
32 oz. Similac Neosure Advance RTF Formula	\$9.23
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.64
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.62
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow	\$22.19
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$14.19
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.99
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$7.12
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal	\$22.19
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green	\$14.76
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White	\$25.99
12 oz. Nestlé Good Start Powder—Purple	\$10.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in Regular Cost Counties are as follows:

Description	Competitive Prices
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.33
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.99
12 oz. Evaporated Milk	\$1.30
16 oz. Dry Milk	\$6.27

Description	Competitive Prices
1 doz. Grade A Eggs	\$1.85
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.03
1 lb. Kosher Cheese	\$6.03
1 lb. Dry Beans or Peas	\$1.73
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.30
15 to 18 oz. Peanut Butter	\$2.84
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.00
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.04
4 oz. Gerber Infant Juice	\$0.78
13 oz. Isomil Advance Concentrate Formula	\$5.45
32 oz. Isomil Advance Ready-to-Feed Formula	\$7.39
12.9 oz. Isomil Advance Powder Formula	\$16.09
13 oz. Similac Advance Concentrate Formula	\$5.17
32 oz. Similac Advance Ready-to-Feed Formula	\$7.18
12.9 oz. Similac Advance Powder Formula	\$15.02
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.64
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.62
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$14.19
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.99
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$7.12

Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.58
12 oz. Evaporated Milk	\$1.28
16 oz. Dry Milk	\$6.01
1 qt. Lactose Reduced Milk	\$2.10
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.75
8 oz. Kosher Infant Cereal	\$2.15
1 doz. Grade A Eggs	\$1.83
1 lb. Fresh Carrots	\$1.10
14 to 16 oz. Canned Carrots	\$1.10
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$6.86
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.35
8 oz. Gerber Infant Cereal	\$2.15
15 to 18 oz. Peanut Butter	\$3.44

<i>Description</i>	<i>Maximum Allowable Price</i>
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....	\$3.30
6 oz. Cans Juice	\$1.61
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.75
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.18
16 oz. Alimentum Advance Powder Formula ...	\$26.21
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$14.39
13 oz. Isomil Advance Concentrate Formula ...	\$4.88
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$6.00
12.9 oz. Isomil Advance Powder Formula	\$14.68
12.9 oz. Similac Go and Grow Soy Formula	\$12.81
24 oz. Similac Go & Grow Soy Formula	\$22.93
13 oz. Isomil with Iron Concentrate Formula ..	\$4.61
12.9 oz. Isomil with Iron Powder Formula	\$13.71
32 oz. Isomil DF Ready-to-Feed Formula	\$6.32
13 oz. Nutramigen Lipil Concentrate Formula ..	\$7.17
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.02
16 oz. Nutramigen Lipil Powder Formula	\$26.02
8 oz. PediaSure Ready-to-Feed Formula	\$1.85
8 oz. PediaSure with Fiber Ready-to-Feed Formula	\$1.92
13 oz. Similac Advance Concentrate Formula ..	\$4.43
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.34
12.9 oz. Similac Advance Powder Formula	\$13.60
12.9 oz. Similac Go & Grow Milk Formula	\$12.62
24 oz. Similac Go & Grow Milk Formula	\$22.59
13 oz. Similac with Iron Concentrate Formula ..	\$4.23
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.62
12.9 oz. Similac with Iron Powder Formula	\$12.99
13 oz. Similac Sensitive Concentrate Formula ..	\$4.94
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.10
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.14
12.9 oz. Similac Sensitive Powder	\$14.86
12.8 oz. Similac Neosure Advance Powder Formula	\$15.60
32 oz. Similac Neosure Advance RTF Formula ..	\$7.62
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.39
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.36
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow	\$21.44
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.62
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.55
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.51
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal	\$21.65
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green	\$14.21
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White	\$25.11
12 oz. Nestlé Good Start Powder—Purple	\$10.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.20
16 oz. Dry Milk	\$5.83
1 doz. Grade A Eggs	\$1.76
1 lb. Fresh Carrots	\$1.08
14 to 16 oz. Canned Carrots	\$1.08
1 lb. Cheese	\$6.22
1 lb. Kosher Cheese	\$6.22
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal	\$0.33
8 oz. Gerber Infant Cereal	\$2.15
15 to 18 oz. Peanut Butter	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$2.97
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.75
13 oz. Isomil Advance Concentrate Formula	\$4.88
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$6.00
12.9 oz. Isomil Advance Powder Formula	\$14.68
13 oz. Similac Advance Concentrate Formula ..	\$4.43
32 oz. Similac Advance Ready-to-Feed Formula	\$6.34
12.9 oz. Similac Advance Powder Formula	\$13.60
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.39
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.36
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$13.62
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.55
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.51

Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.58
12 oz. Evaporated Milk	\$1.37
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.23
1/2 gal. Kosher Milk	\$2.81
4 oz. Kosher Infant Juice	\$0.79
8 oz. Kosher Infant Cereal	\$2.30
1 doz. Grade A Eggs	\$1.84
1 lb. Fresh Carrots	\$1.12
14 to 16 oz. Canned Carrots	\$1.12
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$6.86
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.30
15 to 18 oz. Peanut Butter	\$3.44
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.32
6 oz. Cans Juice	\$1.75
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.79
32 oz. Alimentum Advance Ready-to-Feed Formula	\$9.74
16 oz. Alimentum Advance Powder Formula ..	\$27.51
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$15.12
13 oz. Isomil Advance Concentrate Formula ..	\$5.24
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$6.47
12.9 oz. Isomil Advance Powder Formula	\$15.48
12.9 oz. Similac Go and Grow Soy Formula	\$13.21
24 oz. Similac Go & Grow Soy Formula	\$23.58
13 oz. Isomil with Iron Concentrate Formula ..	\$5.00
12.9 oz. Isomil with Iron Powder Formula	\$14.29
32 oz. Isomil DF Ready-to-Feed Formula	\$6.34
13 oz. Nutramigen Lipil Concentrate Formula ..	\$7.51
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$9.20
16 oz. Nutramigen Lipil Powder Formula	\$27.39
8 oz. Pediasure Ready-to-Feed Formula	\$2.17
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.22
13 oz. Similac Advance Concentrate Formula ..	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.71
12.9 oz. Similac Advance Powder Formula	\$14.44
12.9 oz. Similac Go & Grow Milk Formula	\$13.04
24 oz. Similac Go & Grow Milk Formula	\$23.27
13 oz. Similac with Iron Concentrate Formula ..	\$4.35
32 oz. Similac with Iron Ready-to-Feed Formula	\$5.81
12.9 oz. Similac with Iron Powder Formula	\$13.61
13 oz. Similac Sensitive Concentrate Formula ..	\$5.21
32 oz. Similac Sensitive Ready-to-Feed Formula	\$6.51
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$6.56
12.9 oz. Similac Sensitive Powder	\$15.58
12.8 oz. Similac Neosure Advance Powder Formula	\$16.68
32 oz. Similac Neosure Advance RTF Formula ..	\$7.93
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.69

<i>Description</i>	<i>Maximum Allowable Price</i>
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.73
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow	\$22.19
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$14.19
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.85
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.78
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal	\$22.34
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green	\$14.85
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White	\$26.05
12 oz. Nestlé Good Start Powder—Purple	\$10.79

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustments).

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.43
12 oz. Evaporated Milk	\$1.29
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$1.76
1 lb. Fresh Carrots	\$1.11
14 to 16 oz. Canned Carrots	\$1.11
1 lb. Cheese	\$6.22
1 lb. Kosher Cheese	\$6.22
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal	\$0.36
8 oz. Gerber Infant Cereal	\$2.30
15 to 18 oz. Peanut Butter	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.07
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.11
4 oz. Gerber Infant Juice	\$0.79
13 oz. Isomil Advance Concentrate Formula	\$5.24
32 oz. Isomil Advance Ready-to-Feed Formula ..	\$6.47
12.9 oz. Isomil Advance Powder Formula	\$15.48
13 oz. Similac Advance Concentrate Formula ..	\$4.70
32 oz. Similac Advance Ready-to-Feed Formula ..	\$6.71
12.9 oz. Similac Advance Powder Formula	\$14.44
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$12.77
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$4.69

<i>Description</i>	<i>Competitive Prices</i>
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$6.73
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$14.19
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$4.85
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$6.78

Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

Maximum Allowable Prices

Effective October 1, 2008, through December 31, 2008, the Maximum Allowable Prices the Department will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.60
12 oz. Evaporated Milk	\$1.37
16 oz. Dry Milk	\$6.27
1 qt. Lactose Reduced Milk	\$2.25
1/2 gal. Kosher Milk	\$3.01
4 oz. Kosher Infant Juice	\$0.83
8 oz. Kosher Infant Cereal	\$2.46
1 doz. Grade A Eggs	\$2.11
1 lb. Fresh Carrots	\$1.13
14 to 16 oz. Canned Carrots	\$1.13
1 lb. Cheese	\$6.86
1 lb. Kosher Cheese	\$7.01
1 lb. Dry Beans or Peas	\$2.02
1 oz. Adult WIC Cereal	\$0.38
8 oz. Gerber Infant Cereal	\$2.46
15 to 18 oz. Peanut Butter	\$3.44
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate	\$3.32
6 oz. Cans Juice	\$1.75
6 to 6.5 oz. Chunk Light Tuna Packed in Water	\$1.24
4 oz. Gerber Infant Juice	\$0.83
32 oz. Alimentum Advance Ready-to-Feed Formula	\$10.33
16 oz. Alimentum Advance Powder Formula	\$30.11
12.8 oz. EnfaCare LIPIL w/Iron Powder Formula	\$17.26
13 oz. Isomil Advance Concentrate Formula	\$6.03
32 oz. Isomil Advance Ready-to-Feed Formula	\$8.26
12.9 oz. Isomil Advance Powder Formula	\$17.42
12.9 oz. Similac Go and Grow Soy Formula	\$15.39
24 oz. Similac Go & Grow Soy Formula	\$27.14
13 oz. Isomil with Iron Concentrate Formula	\$6.10
12.9 oz. Isomil with Iron Powder Formula	\$16.08
32 oz. Isomil DF Ready-to-Feed Formula	\$8.22
13 oz. Nutramigen Lipil Concentrate Formula	\$8.63
32 oz. Nutramigen Lipil Ready-to-Feed Formula	\$10.94
16 oz. Nutramigen Lipil Powder Formula	\$30.29
8 oz. Pediasure Ready-to-Feed Formula	\$2.64

<i>Description</i>	<i>Maximum Allowable Price</i>
8 oz. Pediasure with Fiber Ready-to-Feed Formula	\$2.63
13 oz. Similac Advance Concentrate Formula	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula	\$8.04
12.9 oz. Similac Advance Powder Formula	\$16.51
12.9 oz. Similac Go & Grow Milk Formula	\$15.17
24 oz. Similac Go & Grow Milk Formula	\$26.76
13 oz. Similac with Iron Concentrate Formula	\$5.58
32 oz. Similac with Iron Ready-to-Feed Formula	\$7.91
12.9 oz. Similac with Iron Powder Formula	\$16.18
13 oz. Similac Sensitive Concentrate Formula	\$6.03
32 oz. Similac Sensitive Ready-to-Feed Formula	\$8.42
12.9 oz. Similac Sensitive RS Ready-to-Feed Formula	\$8.43
12.9 oz. Similac Sensitive Powder	\$17.38
12.8 oz. Similac Neosure Advance Powder Formula	\$19.19
32 oz. Similac Neosure Advance RTF Formula	\$9.99
12 oz. Nestlé Good Start DHA/ARA Powder—Orange	\$14.98
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$5.40
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$7.98
24 oz. Nestlé Good Start DHA/ARA Powder—Yellow	\$22.19
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$16.04
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$5.37
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue	\$7.32
24 oz. Nestlé Good Start 2 Soy DHA/ARA Powder—Teal	\$22.34
12 oz. Nestlé Good Start Natural Cultures DHA/ARA Powder—Green	\$15.89
24 oz. Nestlé Good Start 2 Natural Cultures DHA/ARA Powder—White	\$26.05
12 oz. Nestlé Good Start Powder—Purple	\$12.48

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group effective October 1, 2008, through December 31, 2008, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
1/2 Gallon of Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.58
1/2 Gallon of Kosher Milk: Whole, Reduced Fat, Low Fat or Skim	\$2.99
12 oz. Evaporated Milk	\$1.31
16 oz. Dry Milk	\$6.27
1 doz. Grade A Eggs	\$2.08

<i>Description</i>	<i>Competitive Prices</i>
1 lb. Fresh Carrots.....	\$1.13
14 to 16 oz. Canned Carrots	\$1.13
1 lb. Cheese	\$6.38
1 lb. Kosher Cheese	\$6.38
1 lb. Dry Beans or Peas	\$1.75
1 oz. Adult WIC Cereal.....	\$0.38
8 oz. Gerber Infant Cereal.....	\$2.46
15 to 18 oz. Peanut Butter.....	\$3.07
46 oz. Single Strength Juice or 11.5 or 12 oz. Juice Concentrate.....	\$3.07
6 to 6.5 oz. Chunk Light Tuna Packed in Water.....	\$1.11
4 oz. Gerber Infant Juice	\$0.83
13 oz. Isomil Advance Concentrate Formula....	\$6.03
32 oz. Isomil Advance Ready-to-Feed Formula..	\$8.26
12.9 oz. Isomil Advance Powder Formula	\$17.42
13 oz. Similac Advance Concentrate Formula ..	\$5.59
32 oz. Similac Advance Ready-to-Feed Formula	\$8.04
12.9 oz. Similac Advance Powder Formula	\$16.51
12 oz. Nestlé Good Start DHA/ARA Powder— Orange	\$14.98
13 oz. Nestlé Good Start DHA/ARA Concentrate—Orange	\$5.40
32 oz. Nestlé Good Start DHA/ARA Ready-to-Feed—Orange	\$7.98
12.9 oz. Nestlé Good Start Soy DHA/ARA Powder—Blue	\$16.04
13 oz. Nestlé Good Start Soy DHA/ARA Concentrate—Blue	\$5.37
32 oz. Nestlé Good Start Soy DHA/ARA Ready-to-Feed—Blue.....	\$7.32

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1758. Filed for public inspection September 26, 2008, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program hereby publishes notice of the minimum inventory requirements. Effective October 1, 2008, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

Formula

Thirty-one 13 ounce cans of Nestlé Good Start DHA&ARA liquid concentrate.

Twenty-five 32 ounce cans of Nestlé Good Start DHA&ARA ready-to feed.

Ten 12 ounce cans of Nestlé Good Start DHA&ARA powdered.

Thirty-one 13 ounce cans of Nestlé Good Start Soy DHA&ARA liquid concentrate.

Twenty-five 32 ounce cans of Nestlé Good Start Soy DHA&ARA ready-to-feed.

Nine 12.9 ounce cans of Nestlé Good Start Soy DHA&ARA powdered.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for such formula.

Milk

Fluid Whole, Vitamin D Fortified: Ten 1/2 gallons.

Fluid Skim, Low Fat or Reduced Fat: Four 1/2 gallons.

Nonfat Dry: Four pounds in 1 or 2 pound containers.

Evaporated: Twenty-four 12 ounce cans.

Eggs

Grade "A" Eggs: Three 1 dozen containers large or smaller raw shell eggs.

Cheese

Three WIC allowable varieties prepackaged in 8 or 16 ounce containers, totaling at least 4 pounds of cheese.

Juices

Two WIC allowable single strength varieties with a total of seven 46 ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of seven 11.5 to 12 ounce containers.

Infant, three Gerber varieties with a total of fifteen 4 ounce individual containers.

Cereal

Adult, five WIC allowable varieties in 8 ounce or larger packages totaling at least 40 ounces.

Infant, two Gerber varieties in 8 ounce packages, totaling at least 24 ounces.

Peanut Butter

One 15 to 18 ounce WIC allowable container.

Dried Peas and Beans

Two varieties WIC allowable, 1 pound each.

Tuna

At least 24 ounces in 5 to 6.5 oz. cans, chunk, light, packed in water.

Carrots

Two pounds of whole, unpeeled fresh carrots in 1 or 2 pound cello pack, or two cans of sliced carrots in 14 to 20 ounce cans.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Chris Harr, Department of Health, Division of Women, Infants and Children, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105 or (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1759. Filed for public inspection September 26, 2008, 9:00 a.m.]

Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2008-2009 Food List

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2008-2009 WIC Food List which contains the required types of foods, and if applicable, names of the allowable brands of foods. Effective October 1, 2008, the 2008-2009 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

Cheese

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium. If from the dairy case, the cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Not Allowed: Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients.

Cow's Milk

Fluid (pasteurized; half gallons or gallons). Any fat level allowed; acidophilus allowed. Lactose reduced or lactose free if specified on the WIC check. Evaporated (12 ounce cans) if specified on the WIC check. Dry (packages) if specified on the WIC check.

Not Allowed: Flavored milk, buttermilk, goat's milk, milk with added calcium or protein.

Chicken Eggs

Regular large, medium or small raw shell brown or white chicken eggs in one dozen package.

Juice

Single Strength (46 ounce container, 100% pure juice):

Orange	any brand
Apple	Seneca, Lucky Leaf, Musselman's, Giant Eagle, Great Value, Red and White, Shurfine or White House
Pineapple	Dole, Flavorite, Food Club, Great Value, IGA, Libby's, Red and White, Rich Food, Shop-N-Save, Shurfine or White Rose
100% Grape	Welch's (regular or white), Seneca
V8 (all tomato flavors except spicy hot)	Campbell's
Juicy Juice (any flavor)	Nestlé
Northland	Any cranberry flavor

Frozen Concentrated (11.5 to 12 ounce container, 100% pure juice):

Apple	Seneca, Flavorite, Great Value, IGA, Rich Food, Shop-N-Save, Shurfine, Sunrise Valley, Weis, Old Orchard (all flavors with green pull tab top)
-------	--

Orange	Any brand (including calcium fortified)
Pineapple and Pineapple Blends	Any Dole 100% juice
100% Grape	Seneca, Welch's with yellow pull tab top
White Grape Juice Blends	Welch's with yellow pull tab top
<i>Shelf Stable Concentrated (11.5 to 12 ounce container, 100% pure juice):</i>	
Juicy Juice any flavor	Welch's any flavor with yellow trim
<i>Not Allowed:</i> Juices with added sugar, alcohol or carbonation.	

Dry Beans and Peas

Any kind in 1-pound package
Not Allowed: Beans with seasonings

Cereal

Adult/Child Cereals:

Minimum package size 8 ounces

General Mills:

Cheerios (regular, multigrain)
Chex (wheat, corn, rice, multi bran)
Kix (regular only)
Total (whole grain)
Wheaties (regular flavor)

Kashi: Mighty Bites: Honey Crunch or Cinnamon

Kellogg Co.:

All Bran Complete Wheat Flakes
Corn Flakes
Frosted Mini Wheats (Bite Size, Big Bite or unfrosted)
Special K (regular flavor)
Crispix

Malto Meal, bag or box:

Corn Flakes
Scooters
Crispy rice

Nabisco:

Cream of Wheat (Instant original, 1 minute, 2 1/2 minutes, 10 minutes)

Post:

Banana Nut Crunch
Grape-Nuts Flakes
Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)

Quaker Co.:

Instant Grits (Original flavor)
Crunchy Corn Bran
Instant Quaker Oatmeal (regular flavor individual packets)
King Vitamin
Life (regular flavor)

Store Brand Cereal:

Crisp(y) Rice, Corn Flakes, Toasted Oats/Tasteos, Corn Squares-Biscuits, Rice Squares-Biscuits: (Acme, Flavorite, Food Club, Giant, Giant Eagle, Great Value, IGA, Krasdale, Pathmark, Ralston, Red and White, Richfood,

Safeway, Shop-N-Save, Shoprite, Shurfine, Value Time, Wegmans, Weis Quality, White Rose)

Not Allowed: Individual serving boxes.

Peanut Butter

15 to 18 ounce container, labeled "Peanut Butter" only

Not Allowed: Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey.

Infant Formula

Contract Brand

Milk Based: Nestlé Good Start DHA&ARA

Soy Based: Nestlé Good Start Soy DHA&ARA

Other brands and types of formula must be specified on the WIC check.

Infant Juice

Gerber 100% juice in 4 ounce container.

Not Allowed: Organic varieties, juice with yogurt, toddler juice or fruit smoothies.

Infant Cereal

Gerber in 8 or 16-ounce box.

Not Allowed: Organic varieties, variety pack, cereal with fruit, formula or yogurt.

Tuna and Carrots

These foods are only for breast-feeding women whose babies do not get formula from WIC.

Tuna

(Any brand, chunk light, packed in water, 5 to 6 1/2-ounce cans)

Fresh Carrots

(Whole, unpeeled in 1 or 2-pound cello pack)

Canned Carrots

(Any brand sliced, 14 to 20-ounce can)

Not Allowed: Baby Carrots.

Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with NESTLÉ to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Nestlé Good Start DHA&ARA and Nestlé Good Start Soy DHA&ARA. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2008.

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, Braille), should contact Chris Harr, Department of Health, Division of WIC, 2150 Herr Street, 1st Floor, Harrisburg, PA 17105, (717) 783-1289 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 08-1760. Filed for public inspection September 26, 2008, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Pennsylvania Conservation Corps; Grants for Projects

Grants for projects related to conservation, recreation, historical preservation, graffiti removal and the repair of institutional vandalism will be available under the Pennsylvania Conservation Corps (PCC) program.

Agencies eligible to apply for PCC projects are:

- The Departments of Labor and Industry (Department), Conservation and Natural Resources, Public Welfare, Corrections, Military and Veterans Affairs, Aging, Education and Community and Economic Development.
- The Game, Fish and Boat and Historical and Museum Commissions.
- The Pennsylvania Emergency Management Agency.
- Political subdivisions.
- Nonprofit agencies in cities of the first class (for projects involving the removal of graffiti and the repair of institutional vandalism only).

The PCC program is designed to provide work experience and educational opportunities to unemployed young adults as they undertake needed projects on Pennsylvania's public lands. Funds available through the program may be used to purchase approved construction materials and contracted services (political subdivisions must provide a 25% cash match). The wages of corpsmembers and crewleaders are paid directly by the Department.

Applications for PCC projects will be accepted from political subdivisions and eligible nonprofits through Friday, January 9, 2009. State agency applications will be accepted through Friday, February 6, 2009.

For more information or to obtain a grant application packet, contact the Pennsylvania Conservation Corps, 1304 Labor and Industry Building, 651 Boas Street, Room 1304, Harrisburg, PA 17121-0750, (717) 783-6385. E-mail inquiries may be directed to pcc@state.pa.us. Grant application materials are also available for download from the Department's web site at www.dli.state.pa.us (Keyword: pcc).

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 08-1761. Filed for public inspection September 26, 2008, 9:00 a.m.]

Request for Bids

PennSERVE announces the availability of grant funding for operation of local AmeriCorps programs beginning in August 2009. Eligible applicants are community and faith-based nonprofit organizations, government agencies and institutions of higher education. The grants support the recruitment, training and management of AmeriCorps members who meet local needs in the areas of education, the environment, public safety, homeland security and other critical needs. A cash or in-kind match is required. Complete applications are due by 3 p.m. on Monday, November 3, 2008. The AmeriCorps Application and Instructions (RFA #2009-ASC-01) are available on the

PennSERVE web site located at www.pennserve.state.pa.us or by calling (866) 673-7838.

SANDI VITO,
Acting Secretary

[Pa.B. Doc. No. 08-1762. Filed for public inspection September 26, 2008. 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Deal Or No Deal™ '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Deal Or No Deal™ '08.

2. *Price:* The price of a Pennsylvania Deal Or No Deal™ '08 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Deal Or No Deal™ '08 instant lottery game ticket will contain one play area featuring a "WINNING BRIEFCASE NUMBERS" area, a "YOUR BRIEFCASE NUMBERS" area and a separate "BANKER'S BOX" play area containing a play symbol and a prize symbol. The play symbols and their captions located in the "WINNING BRIEFCASE NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR) and 24 (TWYFOR). The play symbols and their captions located in the "YOUR BRIEFCASE NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and a Phone symbol (PHONE). The play symbols and their captions, one of which will be located in the "BANKER'S BOX" play area are: DEAL symbol (DEAL), NO BONUS symbol (TRY AGAIN) and TRY AGAIN symbol (NO BONUS). The "BANKER'S BOX" is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR BRIEFCASE NUMBERS" area are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$30,000 (TRY THO) and \$60,000 (STY THO). The prize symbols and their captions, located in the "BANKER'S BOX" play area are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000, \$2,500, \$30,000 and \$60,000. The prizes that can be won in the "BANKER'S BOX" area are: \$3, \$5, \$10, \$20, \$40, \$50, \$100 and \$500. A player can win up to 11 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct Second-Chance Drawings for non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets as provided for in section 11.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Deal Or No Deal™ '08 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$60,000 (STY THO) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$30,000 (TRY THO) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$1,000 (ONE THO) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$500 (FIV HUN) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$500 (FIV HUN) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$100 (ONE HUN) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$100 (ONE HUN) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$50\$ (FIFTY) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$50.

(n) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$50\$ (FIFTY) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$40\$ (FORTY) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$40\$ (FORTY) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$20\$ (TWENTY) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$20\$ (TWENTY) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches

any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$5.

(z) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$5.

(aa) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(bb) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols matches any of the "WINNING BRIEFCASE NUMBERS" play symbols and a prize symbol of \$3⁰⁰ (THR DOL) appears under the matching "YOUR BRIEFCASE NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(cc) Holders of tickets upon which any one of the "YOUR BRIEFCASE NUMBERS" play symbols is a Phone symbol (PHONE), and a prize symbol of \$3⁰⁰ (THR DOL) appears under the Phone symbol (PHONE), on a single ticket, shall be entitled to a prize of \$3.

(dd) Holders of tickets with a DEAL symbol (DEAL) in the "BANKER'S BOX" play area and a prize symbol of \$3⁰⁰ (THR DOL) appears under the DEAL symbol (DEAL) in the "BANKER'S BOX" play area, on a single ticket, shall be entitled to a prize of \$3.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Briefcase Numbers Match Any Of The Winning Briefcase Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. of Winners Per 6,600,000 Tickets
\$3 w/PHONE	\$3	25	264,000
\$3 w/BANKER'S BOX	\$3	25	264,000
\$3	\$3	25	264,000
\$5 w/PHONE	\$5	50	132,000
\$5 w/BANKER'S BOX	\$5	41.67	158,400
\$5	\$5	50	132,000
\$5 × 2	\$10	200	33,000
(\$5 w/BANKER'S BOX) + \$5	\$10	200	33,000
\$10 w/PHONE	\$10	200	33,000
\$10 w/BANKER'S BOX	\$10	200	33,000
\$10	\$10	200	33,000
\$5 × 4	\$20	1,000	6,600
(\$5 w/BANKER'S BOX) + (\$5 × 3)	\$20	500	13,200
\$10 × 2	\$20	1,000	6,600
(\$10 w/BANKER'S BOX) + \$10	\$20	500	13,200
\$20 w/PHONE	\$20	1,000	6,600
\$20 w/BANKER'S BOX	\$20	500	13,200
\$20	\$20	500	13,200
\$5 × 8	\$40	2,182	3,025
\$10 × 4	\$40	2,182	3,025
\$20 × 2	\$40	2,182	3,025
(\$20 w/BANKER'S BOX) + \$20	\$40	2,182	3,025
\$40 w/PHONE	\$40	2,182	3,025
\$40 w/BANKER'S BOX	\$40	2,182	3,025
\$40	\$40	2,182	3,025
\$5 × 10	\$50	5,455	1,210
(\$10 w/BANKER'S BOX) + (\$4 × 10)	\$50	5,455	1,210
\$10 × 5	\$50	5,455	1,210
(\$10 w/BANKER'S BOX) + (\$10 × 4)	\$50	5,455	1,210
\$50 w/PHONE	\$50	5,455	1,210
\$50 w/BANKER'S BOX	\$50	5,455	1,210
\$50	\$50	5,455	1,210
\$10 × 10	\$100	6,000	1,100
\$20 × 5	\$100	6,000	1,100
(\$50 w/BANKER'S BOX) + \$50	\$100	6,000	1,100
(\$50 w/BANKER'S BOX) + (\$5 × 10)	\$100	6,000	1,100
\$100 w/PHONE	\$100	6,000	1,100
\$100 w/BANKER'S BOX	\$100	6,000	1,100
\$100	\$100	6,000	1,100
\$50 × 10	\$500	15,000	440
(\$50 w/BANKER'S BOX) + (\$50 × 9)	\$500	15,000	440
\$100 × 5	\$500	15,000	440
(\$100 w/BANKER'S BOX) + (\$100 × 4)	\$500	15,000	440
\$500 w/PHONE	\$500	15,000	440
\$500 w/BANKER'S BOX	\$500	15,000	440
\$500	\$500	15,000	440
\$100 × 10	\$1,000	40,000	165
\$500 × 2	\$1,000	40,000	165
(\$500 w/BANKER'S BOX) + \$500	\$1,000	40,000	165
\$1,000 w/PHONE	\$1,000	120,000	55
\$1,000	\$1,000	40,000	165
(\$500 w/BANKER'S BOX) + (\$500 × 4)	\$2,500	264,000	25
\$500 × 5	\$2,500	264,000	25
\$2,500	\$2,500	264,000	25
\$30,000	\$30,000	1,320,000	5
\$60,000	\$60,000	1,320,000	5

Phone (PHONE) symbol = Win prize shown under it automatically.

Banker's Box = Get a "DEAL" (DEAL) symbol and win the prize shown under it.

PA DEAL OR NO DEAL™ SECOND-CHANCE/BONUS DRAWINGS:

Lottery will award 7 second-chance drawing trips to Hollywood. Estimated value of each trip is \$7,800 and

includes Federal Withholding Credit. There is no cash equivalent for trip.

All seven trip winners will win a guaranteed prize of \$5,000 and one will win the chance to play DEAL OR NO

DEAL™ with Howie Mandel and win a prize up to \$500,000. Following play, a multiplier wheel will be spun to multiply the winnings up to 5 times resulting in a chance to win up to \$2.5 million cash.

The 7 second-chance drawing winners will audition for the opportunity for at least one of them to play the daily version of DEAL OR NO DEAL™ and the chance to win prizes ranging from \$.01 to \$500,000.

BONUS SECOND-CHANCE DRAWING:

Lottery will select 7 contestants in the PA Bonus Second-Chance Drawing. A final drawing consisting of entrants from all lotteries offering the DEAL OR NO DEAL™ game will determine the winner of a cash prize up to \$500,000. Following play a multiplier wheel will be spun to multiply the winnings up to 5 times resulting in a chance to win up to \$2.5 million cash.

Prizes, including the top prizes, are subject to availability at the time of purchase.

10. Deal Or No Deal™ '08 Second-Chance Drawings Requirements:

(a) To be eligible for the Second-Chance Drawings, players must mail exactly three (3) non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets in an envelope no larger than 4 1/8 inches by 9 1/2 inches addressed to Pennsylvania Lottery, Deal Or No Deal™ Second-Chance Drawings, P. O. Box 888, Middletown, PA 17057-0888. The player shall affix proper postage to the entry.

(b) Envelopes containing less than or more than three (3) non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets shall be disqualified.

(c) Non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets received in an envelope larger than 4 1/8 inches by 9 1/2 inches shall be disqualified. The only exception is for non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets received in a United States Post Office "damaged-in-mail-process" envelope.

(d) Winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets submitted to the Deal Or No Deal™ '08 Second-Chance Drawings address will not be paid or honored. Entries into the Second-Chance Drawings containing winning Pennsylvania Deal Or No Deal™ '08 instant lottery tickets will be disqualified.

(e) The back of each non-winning Pennsylvania Deal Or No Deal™ '08 instant lottery ticket entered in the Second-Chance Drawings must be completed by the same player in a legible manner, including the player's name, street address, city, state, zip code, telephone number and signature. Only one claimant per ticket allowed. Claimant must be 18 years of age or older. Incomplete tickets shall be disqualified.

11. Second-Chance Drawings Procedures:

(a) The Lottery will conduct a Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing and a Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing. All Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing entries received at Lottery Headquarters on or before February 20, 2009, will be eligible to participate in the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing which will be held at Lottery Headquarters the week of February 23, 2009. All Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing entries received at Lottery Headquarters on or before August 14, 2009, including those eligible to participate in the Pennsylvania Deal Or No Deal™ '08 Second-Chance

Drawing, will be eligible to participate in the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing which will be held at Lottery Headquarters the week of August 17, 2009. The odds of an entry being selected in either the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing depend upon the number of entries received.

(b) To be eligible for either the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing, a player must have complied with the requirements of section 10.

(1) The Lottery assumes no responsibility for a lost or misplaced entry not entered into the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing.

(2) If a Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing entry or a Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing entry is rejected during or following the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with Lottery procedure.

(c) Manner of conducting the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing.

(1) All entries received at Lottery Headquarters on or before February 20, 2009, will be placed in numbered containers, each containing approximately 500 envelopes.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers from which the winners will be selected, one from each container. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner to the Deal Or No Deal™ '08 Trip Package Prize described in section 12.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(d) Manner of conducting the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing.

(1) All entries received at Lottery Headquarters on or before August 14, 2009, will be placed in numbered containers, each containing approximately 500 envelopes. These numbered containers along with the numbered containers containing entries from the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing will be eligible to participate in the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing.

(2) A computer-generated randomizer or mechanical device may be used to select the numbered containers

from which the winners will be selected, one from each container. If used, the randomizer will not be programmed to eliminate the possibility of the same container being selected more than once.

(3) One envelope will be randomly drawn from each of the selected numbered containers. As each entry envelope is selected, its contents will be qualified according to the requirements of section 10. If the entry does not meet the requirements of section 10, another entry will be selected from that container; and so on, until a qualified entry has been chosen. Once a qualified entry has been selected, further validation will take place by verifying the status of the tickets contained in the entry envelope drawn by entering the ticket information into the computerized instant ticket database. The first qualified and validated entry from each of the designated containers will entitle its owner's name to be entered into another drawing, further described in section 13.

(4) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(e) The payment of a prize awarded in either the Pennsylvania Deal Or No Deal™ '08 Second-Chance Drawing or the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner).

12. Deal Or No Deal™ '08 Trip Package Prize Description:

(a) Each Deal Or No Deal™ '08 Second-Chance Drawing prize will have an average value of approximately \$7,800 including a \$1,950 Federal Withholding Credit. The Trip Package consists of the following:

(1) Round-trip coach airfare for two (2) to a major southern California airport. Departure cities include Harrisburg, Pennsylvania, Philadelphia, Pennsylvania, Pittsburgh, Pennsylvania and Baltimore, Maryland.

(2) Hotel accommodations include one (1) double room (double occupancy) for four (4) nights at a first class hotel selected by the Lottery.

(3) Ground transportation in California from and to airport/hotel and hotel/studio throughout the duration of the trip and all fulfillment and hosting services are included.

(4) One opportunity to participate in a random drawing to play the non-broadcast version of the Deal Or No Deal™ game. Each Deal Or No Deal™ '08 Trip Package winner selected by the Pennsylvania Lottery, in accordance with section 11, will be randomly mixed with the other 6 Deal Or No Deal™ '08 Trip Package winners selected by the Pennsylvania Lottery. All of the Deal Or No Deal™ '08 Trip Package winners will receive a cash prize of \$5,000. One Deal Or No Deal™ '08 Trip Package winner will be randomly selected from among the group of seven as the Grand Prize Finalist to play the non-broadcast version of the Deal Or No Deal™ game. The Grand Prize Finalist will win a cash prize of between \$.01 and \$500,000 in accordance with the game show rules. After the Grand Prize Finalist completes play of the non-broadcast version of the Deal Or No Deal™ game, a multiplier wheel will be spun for a chance to multiply the winnings by as much as five times. The multiplier wheel will consist of 30 equal slices, of which 2 slices will contain a 5x symbol, 6 slices will contain a 3x symbol, 12 slices will contain a 2x symbol and 10 slices will contain a 1x symbol. The prize won in the non-broadcast version of

the Deal Or No Deal™ game by Grand Prize Finalist will be multiplied by the number indicated on the multiplier wheel.

(5) One commemorative DVD documentary of the trip.

(6) One audition for a chance to appear on the syndicated Deal Or No Deal™ game show. One contestant from among the 7 trip prize winners will, based on Endemol's standard screening process, be selected to play the syndicated Deal Or No Deal™ game show with a chance to win a cash prize of between \$.01 and \$500,000 in accordance with the game show's official rules. The syndicated Deal Or No Deal™ game show will be broadcast on national television stations syndicated by NBC Universal during the 2009 Deal Or No Deal™ season during Lottery Winner's Week.

(b) Deal Or No Deal™ '08 Trip Package prize restrictions:

(1) The Deal Or No Deal™ '08 Trip Package prize winner must be at least eighteen years of age.

(2) The Deal Or No Deal™ '08 Trip Package prize is not redeemable for cash.

(3) Each Deal Or No Deal™ '08 Trip Package prize winner will be responsible for the following expenses: applicable travel expenses to and from the departure airport or any airport parking fees; entertainment including alcoholic beverages; fees (such as, departure fees, excess baggage fees, and the like); additional gratuities; hotel incidentals (such as, telephone calls, valet services, laundry, gift shop, and the like); additional transportation in addition to that described herein; travel accident, baggage and trip cancellation insurance. The winner will be responsible for any additional costs incurred by the following changes to the trip package: change of travel companion; staying additional nights; adding additional travelers; upgrading transportation; upgrading hotel room; upgrading class of airline; or any other applicable trip details.

(4) The Deal Or No Deal™ '08 Trip Package prize is transferable one time. Name changes are not permitted once the Deal Or No Deal™ '08 trip is booked. If the winner cancels the trip, the trip package will be void. There will be no extensions and the winner will not receive any reimbursement for the unused trip package. Airline tickets are non-refundable and all airline rules and restrictions apply. Other restrictions may apply.

(5) Federal withholding tax on cash prizes will be deducted directly from cash prizes in accordance with Internal Revenue Service rules.

(c) Pennsylvania Deal Or No Deal™ '08 Trip Package Winner Proxy:

(1) In the event that a Pennsylvania Deal Or No Deal™ '08 Trip Package winner does not wish to or cannot participate in Deal Or No Deal™ activities related to the selection of the Grand Prize Finalist to play the non-broadcast version of the Deal Or No Deal™ game, the Deal Or No Deal™ '08 Grand Prize Finalist may select a proxy to act on his or her behalf. All proxy selections must be approved by the Lottery or its designee. If the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist fails to select a proxy that is acceptable to the Lottery, or its designee, the Lottery shall appoint a proxy to act on behalf of that Deal Or No Deal™ '08 Grand Prize Finalist.

(2) A proxy appointed by the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist, or the Lottery, shall act

on behalf of the Deal Or No Deal™ '08 Grand Prize Finalist. By participating in the Pennsylvania Deal Or No Deal™ '08 instant lottery game, the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist agrees to accept all decisions made by the proxy. Any prize won by the proxy will be awarded to the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist.

(3) In the event that the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game does not wish to or cannot participate on the game show, the finalist may select a proxy to act on his behalf. All proxy selections must be approved by the Lottery or its designee. If the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game fails to select a proxy that is acceptable to the Lottery, or its designee, the Lottery shall appoint a proxy to act on behalf of the finalist selected to play the non-broadcast version of the Deal Or No Deal™ game.

(4) In the event that the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game or the Grand Prize Finalist designated proxy does not appear by the required time, the Lottery, or its designee, will appoint a proxy to act on behalf of the Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game. In the event the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game is unable to continue play during the game show, the Lottery, or its designee, will appoint a proxy to act on behalf of the Grand Prize Finalist.

(5) A proxy appointed by the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play the non-broadcast version of the Deal Or No Deal™ game, or the Lottery, or its designee, shall act on behalf of the Grand Prize Finalist. By participating in the Pennsylvania Deal Or No Deal™ '08 instant lottery game, the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist agrees to accept all game show decisions made by the proxy. Any prize won by the proxy during the non-broadcast version of the Deal Or No Deal™ game will be awarded to the Pennsylvania Deal Or No Deal™ '08 Grand Prize Finalist selected to play Deal Or No Deal™.

13. Deal Or No Deal™ '08 Bonus Second-Chance Drawing Prize Description:

(a) Each Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing Prize shall consist of the opportunity for each Deal Or No Deal™ '08 Bonus Second-Chance Drawing winner selected by the Pennsylvania Lottery to be entered into a final drawing for a cash prize. The final winner will be selected from among all entries submitted by participating lotteries. A computer-generated randomizer or mechanical device may be used to select the final drawing winner. A prize amount of between \$.01 and \$500,000 will be randomly selected. Following selection of the prize amount, a multiplier wheel will be spun to multiply the winnings up to 5 times resulting in a chance to win up to \$2.5 million cash. The multiplier wheel will consist of 30 equal slices, of which 2 slices will contain a 5x symbol, 6 slices will contain a 3x symbol, 12 slices will contain a 2x symbol and 10 slices will contain a 1x symbol. The prize amount that had been randomly selected in the Deal Or No Deal™ '08 Bonus Second-Chance Drawing will be multiplied by the number indicated on the multiplier wheel. If the prize, with the

multiplier applied, is less than \$250,000 the amount awarded will automatically be increased to \$250,000.

(b) The odds of an entry being selected in the Pennsylvania Deal Or No Deal™ '08 Bonus Second-Chance Drawing depends upon the number of entries received.

(c) Federal withholding tax on this prize will be deducted directly from the cash prize in accordance with Internal Revenue Service rules.

14. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Deal Or No Deal™ '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

15. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Deal Or No Deal™ '08, prize money from winning Pennsylvania Deal Or No Deal™ '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Deal Or No Deal™ '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

16. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

17. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Deal Or No Deal™ '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1763. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania Fast \$50s '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Fast \$50s '08.

2. *Price:* The price of a Pennsylvania Fast \$50s '08 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Fast \$50s '08 instant lottery game ticket will contain one play area containing nine prize play symbols and a "BONUS BOX" area. The prize play symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$1,000 (ONE THO). The play symbols located in the "BONUS BOX" area are: Moneybag symbol (MNYBAG), Bell symbol (BELL), Clover symbol (CLO-

VER), Coins symbol (COINS), Piggy Bank symbol (PIGBNK), Pot symbol (POT), Rainbow symbol (RAINBW), Safe symbol (SAFE), Shoe symbol (SHOE), Wallet symbol (WALLET) and Bill symbol (BILL). The "BONUS BOX" area is played separately from the rest of the game.

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$50, \$100 and \$1,000. The prize that can be won in "BONUS BOX" area is \$50.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 16,800,000 tickets will be printed for the Pennsylvania Fast \$50s '08 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(d) Holders of tickets with a BILL symbol (BILL) in the "BONUS BOX," on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with three matching prize play symbols of \$10^{.00} (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets with three matching prize play symbols of \$5^{.00} (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(h) Holders of tickets with three matching prize play symbols of \$4^{.00} (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(i) Holders of tickets with three matching prize play symbols of \$2^{.00} (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(j) Holders of tickets with three matching prize play symbols of \$1^{.00} (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(k) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Fast \$50s '08 instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 16,800,000 Tickets</i>
3-FREE's	FREE \$1 TICKET	11.54	1,456,000
3-\$1's	\$1	50	336,000
3-\$2's	\$2	18.18	924,000
3-\$4's	\$4	37.50	448,000
3-\$5's	\$5	100	168,000
3-\$10's	\$10	150	112,000
3-\$20's	\$20	500	33,600
3-\$50's	\$50	600	28,000
BILL (BONUS)	\$50	600	28,000
3-\$100's	\$100	17,143	980
3-\$1,000's	\$1,000	1,680,000	10

Bonus Box: Get a "Bill" (BILL) symbol and win \$50 automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Fast \$50s '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Fast \$50s '08, prize money from winning Pennsylvania Fast \$50s '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Fast \$50s '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Fast \$50s '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1764. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania \$50,000 Pay Day Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$50,000 Pay Day.

2. *Price:* The price of a Pennsylvania \$50,000 Pay Day instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$50,000 Pay Day instant lottery game ticket will contain "PAY DAY NUMBERS" and "YOUR NUMBERS" areas. The play symbols and their captions located in the "PAY DAY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a 5X (5TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$1,000 and \$50,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania \$50,000 Pay Day instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$200 (TWO HUN) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the

"PAY DAY NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$40\$ (FORTY) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(l) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with a play symbol of 5X (5TIMES) and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "prize" area to the right of that 5X (5TIMES) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "PAY DAY NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Match Any Of Your Numbers To Either Pay Day Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$1 x 2	\$2	18.75	320,000
\$2	\$2	21.43	280,000
\$1 x 4	\$4	50	120,000
\$2 x 2	\$4	50	120,000
\$4	\$4	50	120,000
\$1 x 5	\$5	150	40,000
\$1 w/5X	\$5	75	80,000
\$5	\$5	150	40,000
\$1 x 10	\$10	375	16,000
\$2 w/5X	\$10	150	40,000
\$5 x 2	\$10	500	12,000
\$10	\$10	500	12,000
\$2 x 10	\$20	750	8,000
\$4 w/5X	\$20	375	16,000
\$10 x 2	\$20	750	8,000
\$20	\$20	375	16,000
\$4 x 10	\$40	2,400	2,500
(\$5 w/5X) + (\$5 x 3)	\$40	2,400	2,500
\$10 x 4	\$40	2,400	2,500
\$20 x 2	\$40	2,400	2,500
\$40	\$40	2,400	2,500
\$5 x 10	\$50	2,400	2,500
\$10 w/5X	\$50	2,400	2,500
\$10 x 5	\$50	2,400	2,500
\$50	\$50	2,400	2,500
\$10 x 10	\$100	4,800	1,250
\$20 w/5X	\$100	4,800	1,250
\$50 x 2	\$100	4,800	1,250
\$100	\$100	4,800	1,250
\$20 x 10	\$200	17,143	350
\$40 w/5X	\$200	17,143	350
\$200	\$200	17,143	350
\$40 x 10	\$400	30,000	200
(\$40 w/5X) + (\$40 x 5)	\$400	24,000	250
\$400	\$400	30,000	200
\$200 w/5X	\$1,000	24,000	250
\$1,000	\$1,000	24,000	250
\$50,000	\$50,000	1,200,000	5

"5X" (5TIMES) = Win 5 times the prize shown to the right of that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$50,000 Pay Day instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$50,000 Pay Day, prize money from winning Pennsylvania \$50,000 Pay Day instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$50,000 Pay Day instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$50,000 Pay Day or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1765. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania \$1 Million Silver & Gold Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1 Million Silver & Gold.

2. *Price:* The price of a Pennsylvania \$1 Million Silver & Gold instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1 Million Silver & Gold instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a separate "FAST CASH BONUS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area

are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY). Silver symbol (SILVER) and a Gold symbol (GOLD). The play symbols and their captions located in the "FAST CASH BONUS" area are: Cash symbol (CASH), Chest symbol (CHEST), Crown symbol (CROWN), Gift symbol (GIFT), Money Bag symbol (MNYBAG), Money symbol (MONEY), Necklace symbol (NCKLACE), Diamond symbol (DMND), Ring symbol (RING), Coin symbol (COIN) and a Gold Nugget symbol (GLDNGT). The "FAST CASH BONUS" is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$50,000 (FTY THO) and \$1MILL (ONE MIL). The prize symbols and their captions located in the "FAST CASH BONUS" area are: \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$400, \$500, \$1,000, \$2,500, \$50,000 and \$1,000,000. The prizes that can be won in the "FAST CASH BONUS" are: \$40, \$50, \$100, \$400, \$500 and \$1,000. A player can win up to 20 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 3,000,000 tickets will be printed for the Pennsylvania \$1 Million Silver & Gold instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol

(SILVER), and a prize symbol of \$1,000 (ONE THO) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold symbol (GOLD), and a prize symbol of \$100 (ONE HUN) appears under the Gold symbol (GOLD), on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$500 (FIV HUN) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$500 (FIV HUN) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold symbol (GOLD), and a prize symbol of \$50\$ (FIFTY) appears under the Gold symbol (GOLD), on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$400 (FOR HUN) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$400 (FOR HUN) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold symbol (GOLD), and a prize symbol of \$40\$ (FORTY) appears under the Gold symbol (GOLD), on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$200 (TWO HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$100 (ONE HUN) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$100 (ONE HUN) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gold symbol (GOLD), and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the Gold symbol (GOLD), on a single ticket, shall be entitled to a prize of \$100.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$50\$ (FIFTY) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$50\$ (FIFTY) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$50.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$40\$ (FORTY) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$40.

(z) Holders of tickets with two identical "FAST CASH BONUS" play symbols, and a prize symbol of \$40\$ (FORTY) appears immediately below the two identical "FAST CASH BONUS" play symbols, on a single ticket, shall be entitled to a prize of \$40.

(aa) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Silver symbol (SILVER), and a prize symbol of \$20\$ (TWENTY) appears under the Silver symbol (SILVER), on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Of Your Numbers Match Any Of The Winning Numbers, Win With Prize(s) Of:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 3,000,000 Tickets</i>
\$10 × 2	\$20	15	200,000
\$20 w/SILVER	\$20	20	150,000
\$20	\$20	15	200,000
\$10 × 4	\$40	75	40,000
\$20 × 2	\$40	75	40,000
\$40 w/SILVER	\$40	75	40,000
BONUS w/\$40	\$40	75	40,000
\$40	\$40	75	40,000
\$10 × 5	\$50	150	20,000
\$50 w/SILVER	\$50	150	20,000
BONUS w/\$50	\$50	75	40,000
\$50	\$50	150	20,000
\$10 × 10	\$100	150	20,000
\$10 w/GOLD	\$100	150	20,000
\$100 w/SILVER	\$100	150	20,000
BONUS w/\$100	\$100	150	20,000
\$100	\$100	150	20,000
\$20 × 20	\$400	6,000	500
\$40 × 10	\$400	6,000	500
\$100 × 4	\$400	6,000	500
\$40 w/GOLD	\$400	6,000	500
\$400 w/SILVER	\$400	6,000	500
BONUS w/\$400	\$400	3,429	875
\$400	\$400	6,000	500
(\$20 × 15) + (\$40 × 5)	\$500	8,000	375
\$50 × 10	\$500	8,000	375
\$100 × 5	\$500	8,000	375
\$50 w/GOLD	\$500	8,000	375
\$500 w/SILVER	\$500	8,000	375
BONUS w/\$500	\$500	8,000	375
\$500	\$500	8,000	375
\$50 × 20	\$1,000	20,000	150
\$100 × 10	\$1,000	24,000	125
\$200 × 5	\$1,000	30,000	100
\$100 w/GOLD	\$1,000	20,000	150
\$500 × 2	\$1,000	30,000	100
\$1,000 w/SILVER	\$1,000	24,000	125
BONUS w/\$1,000	\$1,000	20,000	150
\$1,000	\$1,000	20,000	150
\$500 × 5	\$2,500	120,000	25
\$2,500	\$2,500	120,000	25
\$50,000	\$50,000	200,000	15
\$1,000,000	\$1,000,000	600,000	5

Silver (SILVER) symbol = Win prize shown under that symbol.

Gold (GOLD) symbol = Win 10 times the prize shown under it.

Fast Cash Bonus = Get 2 identical symbols, win prize shown from \$40 to \$1,000.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1 Million Silver & Gold instant lottery game tickets. The conduct of the game will be governed

by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1 Million Silver & Gold, prize money from winning Pennsylvania \$1 Million Silver & Gold instant lottery game tickets will be retained by the Secretary for payment to the persons

entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1 Million Silver & Gold instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1 Million Silver & Gold or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1766. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania Sleigh Bell\$ Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Sleigh Bell\$.

2. *Price:* The price of a Pennsylvania Sleigh Bell\$ instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Sleigh Bell\$ instant lottery game ticket will contain one play area. The play symbols and their captions located in the play area are: Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Ear Muff symbol (EARMF), Hat symbol (HAT), Drum symbol (DRUM), Candle symbol (CANDLE), Ornament symbol (ORMNT), Horn symbol (HORN), Gingerbread Man symbol (GBMAN), Candy Cane symbol (CANE), Bag of Toys symbol (TOYS), Holly symbol (HOLLY), Bell symbol (BELL), Reindeer symbol (RNDEER), Angel symbol (ANGEL), Light symbol (LIGHT), Snowflake symbol (FLAKE), Nutcracker symbol (NTCRKR), Gift symbol (GIFT), Scarf symbol (SCARF), Cash symbol (CASH) and Sleigh symbol (SLEIGH).

4. *Prize Symbols:* The prize symbols and their captions, located in the 10 "Prize" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$20,000. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Sleigh Bell\$ instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$20,000 (TWY THO) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$200.

(f) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$40\$ (FORTY) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$8.

(o) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(p) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(r) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with a Sleigh (SLEIGH) play symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area to the right of that Sleigh (SLEIGH) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with a Cash (CASH) play symbol, and a prize symbol of \$1⁰⁰ (ONE DOL) appears in the "Prize" area to the right of that Cash (CASH) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find a "CASH" Symbol, Win Prize Shown To The Right Of That Symbol. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$1 × 2	\$2	30	360,000
\$1 w/SLEIGH	\$2	30	360,000
\$2	\$2	30	360,000
\$1 × 4	\$4	75	144,000
\$2 × 2	\$4	75	144,000
\$2 w/SLEIGH	\$4	75	144,000
\$4	\$4	75	144,000
\$1 × 5	\$5	75	144,000
(\$2 w/SLEIGH) + \$1	\$5	75	144,000
\$5	\$5	150	72,000
\$2 × 5	\$10	300	36,000
\$5 × 2	\$10	300	36,000
(\$2 w/SLEIGH) + (\$2 × 3)	\$10	300	36,000
(\$4 w/SLEIGH) + \$2	\$10	300	36,000
\$10	\$10	300	36,000
\$2 × 10	\$20	750	14,400
\$4 × 5	\$20	750	14,400
\$5 × 4	\$20	750	14,400
\$10 × 2	\$20	750	14,400
\$10 w/SLEIGH	\$20	750	14,400
\$20	\$20	750	14,400
\$4 × 10	\$40	2,400	4,500
\$5 × 8	\$40	2,400	4,500
\$10 × 4	\$40	2,400	4,500
\$20 × 2	\$40	2,400	4,500
\$20 w/SLEIGH	\$40	2,400	4,500
\$40	\$40	2,400	4,500
\$5 × 10	\$50	2,400	4,500
\$10 × 5	\$50	2,400	4,500
(\$10 w/SLEIGH) + (\$10 × 3)	\$50	2,400	4,500
(\$20 w/SLEIGH) + (\$5 × 2)	\$50	2,400	4,500
\$50	\$50	2,400	4,500
\$10 × 10	\$100	4,800	2,250
\$20 × 5	\$100	4,800	2,250
\$50 × 2	\$100	4,800	2,250
\$50 w/SLEIGH	\$100	4,615	2,340
\$100	\$100	4,800	2,250
\$40 × 10	\$400	60,000	180
\$100 × 4	\$400	60,000	180
(\$100 w/SLEIGH) + (\$100 × 2)	\$400	60,000	180
\$400	\$400	60,000	180
\$50 × 10	\$500	120,000	90
\$100 × 5	\$500	120,000	90

Find a "CASH" Symbol, Win Prize Shown
To The Right Of That Symbol. Win With
Prize(s) Of:

Prize(s) Of:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
(\$100 w/SLEIGH) + (\$100 × 3)	\$500	120,000	90
\$500	\$500	120,000	90
\$100 × 10	\$1,000	60,000	180
\$1,000	\$1,000	60,000	180
\$20,000	\$20,000	720,000	15

Sleigh (SLEIGH) = Win double the prize shown to the right of that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Sleigh Bell\$ instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Sleigh Bell\$, prize money from winning Pennsylvania Sleigh Bell\$ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Sleigh Bell\$ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Sleigh Bell\$ or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1767. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania Stocking Stuffer '08 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Stocking Stuffer '08.

2. *Price:* The price of a Pennsylvania Stocking Stuffer '08 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Stocking Stuffer '08 instant lottery game ticket will contain one play area containing nine prize play symbols and a separate "QUICK \$10 BONUS" containing one play symbol. The

prize play symbols and their captions located in the play area are: FREE (TICKET), \$1^{.00} (ONE DOL), \$2^{.00} (TWO DOL), \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$1,000 (ONE THO). The play symbols and their captions located in the "QUICK \$10 BONUS" area are: Drum symbol (DRUM), Horn symbol (HORN), Toys symbol (TOYS), Reindeer symbol (RNDEER), Nutcracker symbol (NTRKR), Scarf symbol (SCARF) and a Santa symbol (SANTA).

4. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$5, \$10, \$20, \$30, \$40, \$100, \$400 and \$1,000. The prize that can be won in the "QUICK \$10 BONUS" is \$10.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Stocking Stuffer '08 instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets with three matching prize play symbols of \$1,000 (ONE THO) in the play area, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets with three matching prize play symbols of \$400 (FOR HUN) in the play area, on a single ticket, shall be entitled to a prize of \$400.

(c) Holders of tickets with three matching prize play symbols of \$100 (ONE HUN) in the play area, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with three matching prize play symbols of \$40\$ (FORTY) in the play area, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with three matching prize play symbols of \$30\$ (THIRTY) in the play area, on a single ticket, shall be entitled to a prize of \$30.

(f) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(g) Holders of tickets with three matching prize play symbols of \$10^{.00} (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(h) Holders of tickets with a Santa (SANTA) play symbol in the "QUICK \$10 BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with three matching prize play symbols of \$5^{.00} (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with three matching prize play symbols of \$2^{.00} (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(k) Holders of tickets with three matching prize play symbols of \$1⁰⁰ (ONE DOL) in the play area, on a single ticket, shall be entitled to a prize of \$1.

(l) Holders of tickets with three matching prize play symbols of FREE (TICKET) in the play area, on a single ticket, shall be entitled to a prize of one Pennsylvania Stocking Stuffer '08 instant game ticket or one Pennsyl-

vania Lottery instant game ticket of equivalent sale price which is currently on sale.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get Three Like Amounts, Win That Amount. Win With Prize(s) Of:</i>	<i>Win</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 19,200,000 Tickets</i>
FREE	FREE \$1 TICKET	12	1,600,000
\$1	\$1	50	384,000
\$2	\$2	15	1,280,000
\$5	\$5	42.86	448,000
\$10	\$10	300	64,000
QUICK \$10 (SANTA)	\$10	150	128,000
\$20	\$20	600	32,000
\$10 + QUICK \$10 (SANTA)	\$20	300	64,000
\$30	\$30	3,000	6,400
\$20 + QUICK \$10 (SANTA)	\$30	2,824	6,800
\$40	\$40	4,800	4,000
\$30 + QUICK \$10 (SANTA)	\$40	4,800	4,000
\$100	\$100	4,800	4,000
\$400	\$400	240,000	80
\$1,000	\$1,000	480,000	40

Quick \$10 (SANTA) Bonus = Win \$10 Automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Stocking Stuffer '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Stocking Stuffer '08, prize money from winning Pennsylvania Stocking Stuffer '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Stocking Stuffer '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Stocking Stuffer '08 or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1768. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania 10 Times The Bucks Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 10 Times The Bucks.

2. *Price:* The price of a Pennsylvania 10 Times The Bucks instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania 10 Times The Bucks instant lottery game ticket will contain one play area featuring a "LUCKY NUMBERS" area, a "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10" area. Each game is played separately. The play symbols and their captions located in the "LUCKY NUMBERS" area are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26 (TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN), 60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY). The play symbols and their captions located in "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10" areas are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26

(TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN), 60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY).

4. *Prize Symbols:* The prize symbols and their captions located in the "GAME 1 PRIZE" area of "GAME 1" are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$70\$ (SEVENTY), \$80\$ (EIGHTY), \$90\$ (NINETY), \$100 (ONE HUN), \$200 (TWO HUN), \$300 (THR HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$600 (SIX HUN), \$700 (SVN HUN), \$800 (EGT HUN), \$900 (NIN HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$30,000 (TRY THO) and \$60,000 (STY THO). The prize symbols and their captions located in the "GAME 2 PRIZE" area of "GAME 2" are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN). The prize symbols and their captions located in the "GAME 3 PRIZE" area of "GAME 3" are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY) and \$30\$ (THIRTY). The prize symbols and their captions located in the "GAME 4 PRIZE" area of "GAME 4" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$50\$ (FIFTY), \$100 (ONE HUN) and \$200 (TWO HUN). The prize symbols and their captions located in the "GAME 5 PRIZE" area of "GAME 5" are: \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$60\$ (SIXTY), \$100 (ONE HUN), \$1,000 (ONE THO) and \$2,000 (TWO THO). The prize symbols and their captions located in the "GAME 6 PRIZE" area of "GAME 6" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$50\$ (FIFTY), \$100 (ONE HUN), and \$5,000 (FIV THO). The prize symbols and their captions located in the "GAME 7 PRIZE" area of "GAME 7" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL) and \$100 (ONE HUN). The prize symbols and their captions located in the "GAME 8 PRIZE" area of "GAME 8" are: \$5.⁰⁰ (FIV DOL) and \$10.⁰⁰ (TEN DOL). The prize symbols and their captions located in the "GAME 9 PRIZE" area of "GAME 9" are: \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL) and \$100 (ONE HUN). The prize symbols and their captions located in the "GAME 10 PRIZE" area of "GAME 10" are: \$3.⁰⁰ (THR DOL), \$5.⁰⁰ (FIV DOL), \$6.⁰⁰ (SIX DOL), \$9.⁰⁰ (NIN DOL), \$10.⁰⁰ (TEN DOL), \$30\$ (THIRTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$60\$ (SIXTY), \$70\$ (SEVENTY), \$80\$ (EIGHTY), \$90\$ (NINETY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$5, \$6, \$9, \$10, \$20, \$30, \$40, \$50, \$60, \$70, \$80, \$90, \$100, \$200, \$300, \$400, \$500, \$600, \$700, \$800, \$900, \$1,000, \$2,000, \$5,000, \$30,000 and \$60,000. A player can win up to 3 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania 10 Times The Bucks instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches the play

symbol number found underneath the "GAME 1" designation number shall be entitled to a prize in the amount of the prize symbol which appears in the "GAME 1 PRIZE" area.

(b) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches either of the play symbol numbers found underneath the "GAME 2" designation number shall be entitled to a prize in the amount of two times the prize symbol which appears in the "GAME 2 PRIZE" area.

(c) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 3" designation number shall be entitled to a prize in the amount of three times the prize symbol which appears in the "GAME 3 PRIZE" area.

(d) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 4" designation number shall be entitled to a prize in the amount of four times the prize symbol which appears in the "GAME 4 PRIZE" area.

(e) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 5" designation number shall be entitled to a prize in the amount of five times the prize symbol which appears in the "GAME 5 PRIZE" area.

(f) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 6" designation number shall be entitled to a prize in the amount of six times the prize symbol which appears in the "GAME 6 PRIZE" area.

(g) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 7" designation number shall be entitled to a prize in the amount of seven times the prize symbol which appears in the "GAME 7 PRIZE" area.

(h) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 8" designation number shall be entitled to a prize in the amount of eight times the prize symbol which appears in the "GAME 8 PRIZE" area.

(i) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 9" designation number shall be entitled to a prize in the amount of nine times the prize symbol which appears in the "GAME 9 PRIZE" area.

(j) Holders of tickets upon which any one of the "LUCKY NUMBERS" play symbols matches any one of the play symbol numbers found underneath the "GAME 10" designation number shall be entitled to a prize in the amount of ten times the prize symbol which appears in the "GAME 10 PRIZE" area.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$3 w/1X	\$3	9.52	630,000
\$5 w/1X	\$5	16.67	360,000
\$6 w/1X	\$6	100	60,000
\$3 w/2X	\$6	50	120,000
\$9 w/1X	\$9	200	30,000
(\$3 w/1X) + (\$3 w/2X)	\$9	200	30,000
\$3 w/3X	\$9	200	30,000
\$10 w/1X	\$10	166.67	36,000
\$5 w/2X	\$10	100	60,000
\$20 w/1X	\$20	500	12,000
\$10 w/2X	\$20	500	12,000
(\$5 w/1X) + (\$5 w/3X)	\$20	333.33	18,000
\$5 w/4X	\$20	333.33	18,000
\$30 w/1X	\$30	4,000	1,500
\$10 w/3X	\$30	4,000	1,500
\$5 w/6X	\$30	4,000	1,500
\$6 w/5X	\$30	4,000	1,500
\$3 w/10X	\$30	4,000	1,500
\$40 w/1X	\$40	4,800	1,250
\$20 w/2X	\$40	4,800	1,250
\$10 w/4X	\$40	4,800	1,250
(\$5 w/1X) + (\$5 w/7X)	\$40	4,800	1,250
\$5 w/8X	\$40	4,800	1,250
\$50 w/1X	\$50	10,000	600
(\$5 w/2X) + (\$40 w/1X)	\$50	10,000	600
\$10 w/5X	\$50	10,000	600
(\$5 w/1X) + (\$5 w/9X)	\$50	10,000	600
\$5 w/10X	\$50	10,000	600
\$60 w/1X	\$60	15,000	400
\$30 w/2X	\$60	15,000	400
\$20 w/3X	\$60	15,000	400
\$10 w/6X	\$60	15,000	400
\$6 w/10X	\$60	15,000	400
\$70 w/1X	\$70	12,000	500
\$10 w/7X	\$70	12,000	500
\$80 w/1X	\$80	24,000	250
\$40 w/2X	\$80	24,000	250
\$20 w/4X	\$80	24,000	250
\$10 w/8X	\$80	24,000	250
(\$9 w/5X) + (\$5w/6X) + (\$5 w/1X)	\$80	24,000	250
\$90 w/1X	\$90	24,000	250
\$30 w/3X	\$90	24,000	250
\$10 w/9X	\$90	24,000	250
\$9 w/10X	\$90	24,000	250
\$100 w/1X	\$100	3,429	1,750
\$50 w/2X	\$100	3,429	1,750
(\$30 w/3X) + (\$5 w/2X)	\$100	3,429	1,750
\$20 w/5X	\$100	3,429	1,750
\$10 w/10X	\$100	3,429	1,750
\$200 w/1X	\$200	12,000	500
\$100 w/2X	\$200	12,000	500
\$50 w/4X	\$200	12,000	500
\$300 w/1X	\$300	120,000	50
\$60 w/5X	\$300	120,000	50
\$50 w/6X	\$300	120,000	50
\$30 w/10X	\$300	120,000	50
\$400 w/1X	\$400	120,000	50
\$200 w/2X	\$400	120,000	50
\$100 w/4X	\$400	120,000	50
\$40 w/10X	\$400	120,000	50
\$500 w/1X	\$500	120,000	50
\$100 w/5X	\$500	120,000	50
\$50 w/10X	\$500	120,000	50
\$600 w/1X	\$600	120,000	50
\$100 w/6X	\$600	120,000	50
\$60 w/10X	\$600	120,000	50

<i>Get:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$700 w/1X	\$700	120,000	50
\$100 w/7X	\$700	120,000	50
\$70 w/10X	\$700	120,000	50
\$800 w/1X	\$800	120,000	50
\$200 w/4X	\$800	120,000	50
\$80 w/10X	\$800	120,000	50
\$900 w/1X	\$900	120,000	50
\$100 w/9X	\$900	120,000	50
\$90 w/10X	\$900	120,000	50
\$1,000 w/1X	\$1,000	120,000	50
\$500 w/2X	\$1,000	120,000	50
\$100 w/10X	\$1,000	120,000	50
\$5,000 w/1X	\$5,000	1,200,000	5
\$1,000 w/5X	\$5,000	1,200,000	5
\$500 w/10X	\$5,000	1,200,000	5
\$30,000 w/1X	\$30,000	1,200,000	5
\$5,000 w/6X	\$30,000	1,200,000	5
\$60,000 w/1X	\$60,000	1,200,000	5
(\$5,000 w/10X) + (\$2,000 w/5X)	\$60,000	1,200,000	5

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 10 Times The Bucks instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 10 Times The Bucks, prize money from winning Pennsylvania 10 Times The Bucks instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 10 Times The Bucks instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 10 Times The Bucks or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1769. Filed for public inspection September 26, 2008, 9:00 a.m.]

Pennsylvania \$250,000 Holiday Treasures Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$250,000 Holiday Treasures.

2. *Price:* The price of a Pennsylvania \$250,000 Holiday Treasures instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania \$250,000 Holiday Treasures instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, an "ORNAMENT NUMBERS" area and a separate "FAST \$50" area containing one play symbol. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "ORNAMENT NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) and a Gift (GIFT) symbol. The play symbols and their captions located in the "FAST \$50" area are: Snowman symbol (SNMAN), Mitten symbol (MITTEN), Wreath symbol (WREATH), Hat symbol (HAT), Candy Cane symbol (CANE), Bell symbol (BELL) and a Stocking symbol (STKNG). The "FAST \$50" area is played separately from the rest of the game.

4. *Prize Symbols:* The prize symbols and their captions located in the "ORNAMENT NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$25,000 (TWYFIVTHO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$25,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania \$250,000 Holiday Treasures instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Gift (GIFT) play symbol, and a prize symbol of \$50\$ (FIFTY) appears in ten of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Gift (GIFT) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$40\$ (FORTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets with a Gift (GIFT) play symbol, and a prize symbol of \$20\$ (TWENTY) appears in ten of

the "prize" areas, and a prize symbol of \$40\$ (FORTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Gift (GIFT) play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Stocking (STKNG) symbol in the "FAST \$50" area, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "ORNAMENT NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "ORNAMENT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of The Ornament Numbers Match Any Of The Five Winning Numbers, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets</i>
\$5 × 2	\$10	15	320,000
\$10	\$10	12	400,000
\$5 × 4	\$20	40	120,000
\$10 × 2	\$20	40	120,000
\$20	\$20	30	160,000
\$10 × 4	\$40	200	24,000
\$20 × 2	\$40	200	24,000
\$40	\$40	150	32,000
\$5 × 10	\$50	600	8,000

When Any Of The Ornament Numbers Match Any Of The Five Winning Numbers, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets
\$10 × 5	\$50	600	8,000
\$50 w/STOCKING	\$50	200	24,000
\$50	\$50	600	8,000
GIFT w/(\$5 × 10) + (\$10 × 5)	\$100	200	24,000
(\$10 × 5) + (\$50 w/STOCKING)	\$100	600	8,000
\$20 × 5	\$100	600	8,000
\$50 + (\$50 w/STOCKING)	\$100	600	8,000
\$100	\$100	300	16,000
GIFT w/(\$20 × 10) + (\$40 × 5)	\$400	6,000	800
\$40 × 10	\$400	6,000	800
(\$50 × 7) + (\$50 w/STOCKING)	\$400	6,000	800
\$100 × 4	\$400	6,000	800
\$400	\$400	6,000	800
GIFT w/(\$20 × 5) + (\$40 × 10)	\$500	12,000	400
\$50 × 10	\$500	12,000	400
(\$50 × 9) + (\$50 w/STOCKING)	\$500	12,000	400
\$100 × 5	\$500	12,000	400
\$500	\$500	12,000	400
GIFT w/(\$50 × 10) + (\$100 × 5)	\$1,000	12,000	400
\$100 × 10	\$1,000	12,000	400
(\$400 × 2) + (\$100 × 2)	\$1,000	12,000	400
\$1,000	\$1,000	12,000	400
\$25,000	\$25,000	240,000	20
\$250,000	\$250,000	480,000	10

FAST \$50 = Get a "Stocking" (STKNG) symbol win \$50 automatically.
 "Gift" (GIFT) = Win all 15 prizes shown automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$250,000 Holiday Treasures instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$250,000 Holiday Treasures, prize money from winning Pennsylvania \$250,000 Holiday Treasures instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$250,000 Holiday Treasures instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania \$250,000 Holiday Treasures or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1770. Filed for public inspection September 26, 2008, 9:00 a.m.]

Public Utility Realty Tax Act Surcharge Rate Notice for the Tax Year Beginning January 1, 2009

Section 8111-A(d) of 72 P. S. requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in 72 P. S. § 8111-A(d) shall be imposed upon gross receipts taxes as provided in 72 P. S. § 8111-A(d) for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in 72 P. S. § 8111-A for the tax year beginning January 1, 2009, is zero mills. Therefore, no PURTA surcharge under 72 P. S. § 8111-A(d) will be imposed for the taxable period beginning January 1, 2009.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-1771. Filed for public inspection September 26, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Centre County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Design as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning to widen SR 45 to provide a continuous center left-turn lane from the intersection of SR 45 and SR 144 in the Village of Old Fort and continuing westbound for approximately 0.73 mile. This project will require approximately 1.2 acres of right-of-way from the National Register of Historic Places eligible Penns Valley and Brush Valley Historic District, the Earlstown School property and the Freeman House property.

The subject project is considered a Level 2 Categorical Exclusion in accordance with 23 CFR Part 771.117 as published in the August 28, 1987, *Federal Register*.

The Penns Valley and Brush Valley Historic District, the Earlstown School and the Freeman House are section 2002/section 4(f) resources. Impact to these resources will constitute a use of the section 2002/section 4(f) resources.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director, Bureau of Design

[Pa.B. Doc. No. 08-1772. Filed for public inspection September 26, 2008, 9:00 a.m.]

Meetings Scheduled for 2008

State Transportation Commission's Meeting

The last scheduled meeting in 2008 for the State Transportation Commission (STC) will be held on December 11, 2008, from 10 a.m. to 12 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information contact Nolan Ritchie, Executive Secretary of STC at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

State Transportation Advisory Committee Meetings

The next scheduled meeting of the State Transportation Advisory Committee (TAC) will be held on October 2, 2008, from 10 a.m. to 12 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. The last scheduled meeting in 2008 for TAC will be on December 4, 2008, from 10 a.m. to 12 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more

information contact Nolan Ritchie, Executive Secretary of TAC at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

Aviation Advisory Committee Meeting

The next scheduled meeting of the Aviation Advisory Committee (AAC) will be held on October 9, 2008, from 11 a.m. to 3 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. The last scheduled meeting in 2008 for AAC will be on December 9, 2008, from 11 a.m. to 3 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information contact Billie Kauffman, Acting Executive Secretary of AAC at (717) 705-1201 or by means of e-mail at bkauffman@state.pa.us.

Rail Freight Advisory Committee Meeting

The last scheduled meeting in 2008 for the Rail Freight Advisory Committee (RFAC) will be held on October 15, 2008, from 1 p.m. to 3 p.m. in the Commonwealth Keystone Building, Conference Room 8N1. For more information contact Anna Cromleigh, Executive Secretary of RFAC at (717) 783-8567 or by means of e-mail at acromleigh@state.pa.us.

Motor Carrier Safety Advisory Committee Meeting

The last scheduled meeting in 2008 for the Motor Carrier Safety Advisory Committee (MCAC) will be held on November 20, 2008, from 12:30 p.m. to 3 p.m. in the Turnpike Commission Building. For more information contact Nicole Cristini, Executive Secretary of MCAC at (717) 772-2511 or by means of e-mail at ncristini@state.pa.us.

Pedalcycle and Pedestrian Advisory Committee Meeting

The last scheduled meeting in 2008 for the Pedalcycle and Pedestrian Advisory Committee (PPAC) will be held on December 11, 2008, from 1 p.m. to 3:30 p.m. in the Commonwealth Keystone Building, Conference Room 125C. For more information contact David Bachman, Executive Secretary of PPAC at (717) 783-8444 or by means of e-mail at dbachman@state.pa.us.

For additional questions, contact Nolan Ritchie at (717) 787-2913 or by means of e-mail at nritchie@state.pa.us.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-1773. Filed for public inspection September 26, 2008, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

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 Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the 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 or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-71	Department of Labor and Industry Registration of Sign Language Interpreters and Transliterators	9/15/08	10/2/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-1774. Filed for public inspection September 26, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Blue Cross of Northeastern Pennsylvania; Re- questing Approval to Increase Rates for the BlueCare Senior Major Medical Program; Rate Filing

On September 11, 2008, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the current monthly rates for the BlueCare Senior Major Medical plan with prescription coverage by 9.9% and the BlueCare Senior Major Medical plan without prescription coverage by 4% effective January 1, 2009. The projected average number of contracts per month during the January 1, 2009—December 31, 2009, period is approximately 2,600 subscribers in the BlueCare Senior Major Medical plan with prescription coverage and approximately 750 in the BlueCare Senior Major Medical plan without prescription coverage. The increases will produce approximately \$530K of additional revenue.

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg and Pittsburgh offices.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1775. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$750 Deductible (Form No. IA- Comp750h-C) and Individual Direct Pay Compre- hensive Major Medical Benefit Contract with a \$1,500 Deductible (Form No. IA-Comp1500h-C) for Non-HIPAA and HCTC Eligible Individuals; Filing No. 08-R; Rate Filing

On September 10, 2008, the Insurance Department (Department) received from Capital Advantage Insurance Company a filing for a rate increase for the Individual Direct Pay Comprehensive Major Medical Benefit contract for Non-HIPAA and HCTC Eligible Individuals for both the \$750 Deductible and \$1,500 Deductible forms.

The company requests a 9.9% increase or about \$49.65 per contract for the \$750 Deductible Form per month and \$44.65 per contract for the \$1,500 Deductible Form per month on average. This will affect about 69,000 contract holders and will produce additional income of about \$3,315,000 annually. The requested effective date of the change is January 1, 2009.

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1776. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital Advantage Insurance Company; Medical- Surgical and Major Medical of Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Contract (Form No. IA-Trad-C); Rate Filing

By filing No. 08-O, Capital Advantage Insurance Company, requests approval to increase the premium rates for the hospital portion of its Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Program. The filing requests an average increase of 9.9%. This will affect approximately 563 contracts and produce additional premium income of about \$359,424 annually. The requested effective date of the change is January 1, 2009.

The current and requested rates are as follows:

Direct Pay Hospitalization Health Services—Nongroup			
<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
Single	\$402.57	\$442.42	9.9%
Husband and Wife	\$805.15	\$884.86	9.9%
Parent and Child	\$603.87	\$663.65	9.9%
Parent and Children	\$629.18	\$691.47	9.9%
Family	\$921.09	\$1,012.28	9.9%

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "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 Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1777. Filed for public inspection September 26, 2008, 9:00 a.m.]

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percentage Increase</i>
Tier II			
Single	\$92.93	\$102.13	9.9%
Husband and Wife	\$185.86	\$204.26	9.9%
Parent and Child	\$154.45	\$169.74	9.9%
Parent and Children	\$154.45	\$169.74	9.9%
Family	\$247.38	\$271.87	9.9%

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg and Pittsburgh offices.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1778. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital Advantage Insurance Company; Special Care Individual Direct Pay Medical-Surgical Contract Rate Increase; Filing No. 08-Q; Rate Filing

Capital Advantage Insurance Company submitted to the Insurance Department (Department), for its review and approval, adjusted rates for the medical-surgical portion of its Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Program. The requested average rate increase is 9.9%. An effective date of January 1, 2009, has been requested. The proposed rate increase would affect approximately 3,115 contracts and would produce additional annual premium income of \$469,080.

The current and requested rates are as follows:

Special Care Medical/Surgical Program Health Services—Nongroup			
<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percentage Increase</i>
Tier I			
Single	\$92.93	\$102.13	9.9%
Husband and Wife	\$185.86	\$204.26	9.9%
Parent and Child	\$154.45	\$169.74	9.9%
Parent and Children	\$154.45	\$169.74	9.9%
Family	\$247.38	\$271.87	9.9%

Capital BlueCross and Capital Advantage Insurance Company; Filing No. 08-RR; Filing for Approval of Revised Rates for Nongroup Medicare Supplemental Security Plans A, B, C and H; Rate Filing

Capital BlueCross and Capital Advantage Insurance Company have filed for approval revised rates for their Nongroup Medicare Supplemental Security Program. The aggregate rate increase requested is 7.9%. The requested effective date of the revised rates is January 1, 2009. The most recent prior rate revision for this program took effect on April 1, 2008. The current and revised rates for first eligible issues, and the requested rate adjustments, are as follows:

<i>Standardized Benefit Plan</i>	<i>Current Rate</i>	<i>Revised Rate</i>	<i>Rate Adjustment</i>
Plan A	\$91.91	\$92.71	0.9%
Plan B	\$119.08	\$123.72	3.9%
Plan C	\$142.84	\$156.86	9.8%
Plan H w/Rx	\$213.97	\$225.62	5.4%
Plan H w/o Rx	\$151.45	\$160.18	5.8%

These rate adjustments would affect approximately 32,941 members and would produce approximately \$4.41 million in additional premium annually.

Unless formal administrative action is taken prior to December 10, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "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 Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, mgurgiolo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1779. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital BlueCross and Capital Advantage Insurance Company; Individual Direct Pay Comprehensive Major Medical Benefit Contract with a \$750 Deductible for HIPAA and HCTC Eligible Individuals (Form No. IA-Comp750h-C) and Individual Direct Pay Comprehensive Major Medical Benefit contract with a \$1,500 Deductible for HIPAA and HCTC Eligible Individuals (Form No. IA-Comp1500h-C); Filing No. 08-S; Rate Filing

On September 10, 2008, the Insurance Department (Department) received from Capital BlueCross and Capital Advantage Insurance Company a filing for a rate increase for the Individual Direct Pay Comprehensive Major Medical Benefit contract for HIPAA and HCTC Eligible Individuals for both the \$750 Deductible and \$1,500 Deductible forms.

The company requests a 9.9% increase or about \$72.33 per contract for the \$750 Deductible Form per month and \$61.50 per contract for the \$1,500 Deductible Form per month on average. This will affect about 6,000 contract holders and will produce additional income of about \$416,000 annually. The requested effective date of the change is January 1, 2009.

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Sabater, Insur-

ance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jsabater@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1780. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital Blue Cross; Hospital Portion of Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Contract (Form No. IA-Trad-C); Rate Filing

By filing No. 08-N, Capital Blue Cross, requests approval to increase the premium rates for the hospital portion of its Individual Direct Pay Basic Hospitalization/Medical-Surgical/Major Medical Program. The filing requests an average increase of 9.9%. This will affect approximately 563 contracts and produce additional premium income of about \$335,436 annually. The requested effective date of the change is January 1, 2009.

The current and requested rates are as follows:

Direct Pay Hospitalization Health Services—Nongroup

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percent Increase</i>
Single	\$375.63	\$412.82	9.9%
Husband and Wife	\$751.25	\$825.62	9.9%
Parent and Child	\$563.45	\$619.23	9.9%
Parent and Children	\$589.73	\$648.11	9.9%
Family	\$859.44	\$944.52	9.9%

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "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 Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cheri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1781. Filed for public inspection September 26, 2008, 9:00 a.m.]

Capital Blue Cross; Special Care Individual Direct Pay Basic Hospitalization Rate Increase; Filing No. 08-P; Rate Filing

Capital Blue Cross submitted to the Insurance Department (Department), for its review and approval, adjusted rates for the hospitalization portion of its Special Care Individual Direct Pay Basic Hospitalization/Medical-Surgical Program. The requested average rate increase is 9.9%. An effective date of January 1, 2009, has been requested. The proposed rate increase would affect approximately 3,115 contracts and would produce additional annual income of \$411,648.

The current and requested rates are as follows:

Special Care Hospital Program Health Services—Nongroup

<i>Contract Type</i>	<i>Current Rates</i>	<i>Proposed Rates</i>	<i>Percentage Increase</i>
Tier I			
Single	\$81.96	\$90.07	9.9%
Husband and Wife	\$163.93	\$180.16	9.9%
Parent and Child	\$139.34	\$153.13	9.9%
Parent and Children	\$139.34	\$153.13	9.9%
Family	\$221.31	\$243.22	9.9%
Tier II			
Single	\$124.91	\$137.28	9.9%
Husband and Wife	\$249.82	\$274.55	9.9%
Parent and Child	\$212.35	\$233.37	9.9%
Parent and Children	\$212.35	\$233.37	9.9%
Family	\$337.26	\$370.65	9.9%

Unless formal administrative action is taken prior to December 11, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg and Pittsburgh offices.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1782. Filed for public inspection September 26, 2008, 9:00 a.m.]

Progressive Specialty Insurance Company; Private Passenger Automobile; Rate Revisions; Rate Filing

On August 29, 2008, the Insurance Department (Department) received from Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 0.4% increase amounting to \$0.736 million annually, to be effective December 12, 2008, for new business and January 21, 2009, for renewals.

Unless formal administrative action is taken prior to October 28, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mmckenney@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-1783. Filed for public inspection September 26, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Acquisition by Purchase

A-2008-2063767. Columbia Gas of Pennsylvania. Application of Columbia Gas of Pennsylvania for approval of the Acquisition by Purchase of Real Property known as 260 Seaward Avenue, Bradford, 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 October 14, 2008. 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: Columbia Gas of Pennsylvania

Through and By Counsel: Theodore J. Gallagher, Esquire, Mark R. Kempic, Esquire, NiSource Corporate Services Company, Southpointe Industrial Park, 501 Technology Drive, Canonsburg, PA 15317

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1784. Filed for public inspection September 26, 2008, 9:00 a.m.]

Default Service Rate

P-2008-2063006. UGI Utilities, Inc.—Electric Division. Petition of UGI Utilities, Inc.—Electric Division, for approval of a Default Service Rate and AEPS Implementation Plan.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided directly to the Administrative Law Judge, on or before October 14, 2008. The documents filed in support of the petition 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 petitioner's business address.

Applicant: UGI Utilities, Inc.—Electric Division

Through and By Counsel: Anthony D. Kanagy, Esquire, Post and Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

UGI Utilities, Inc.—Electric Division

Petition for approval of a Default Service Rate and AEPS Implementation Plan.

Notice

This is to inform you that an Initial Prehearing Conference on the previously-captioned cases will be held as follows:

Type: Initial Prehearing Conference
Date: Wednesday, October 15, 2008
Time: 10 a.m.
Location: Hearing Room 3
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge
 Kandace F. Melillo
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 Phone: (717) 783-5452
 Fax: (717) 787-0481

Persons with a disability who wish to attend the prehearing, should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the prehearing conference:

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1785. Filed for public inspection September 26, 2008, 9:00 a.m.]

Petition of Peco Energy Company

P-2008-2062739. Peco Energy Company. Petition of Peco Energy Company for approval of its Default Service Program and Rate Mitigation Plan.

P-2008-2062740. Peco Energy Company. Petition of Peco Energy Company for approval of its Market Rate Transition Energy Efficient Package.

P-2008-2062741. Peco Energy Company. Petition of Peco Energy Company for approval of its Market Rate Transition Phase-in Program.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before October 14, 2008. The documents filed in support of the petition 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 petitioner's business address.

Applicant: Peco Energy Company

Through and By Counsel: Romulo L. Diaz, Jr., Esquire, Anthony E. Gay, Esquire, 2301 Market Street, P. O. Box 8699, Philadelphia, PA 19101-8699

Notice

This is to inform you that an Initial Prehearing Conference on the previously-captioned cases will be held as follows:

Date: Friday, October 17, 2008
Time: 10 a.m.
Location: In an available hearing room—Philadelphia Parties
 Philadelphia State Office Building
 Broad and Spring Garden Streets
 Philadelphia, PA 19130
Location: Hearing Room 3—Harrisburg Parties
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA
Presiding: Administrative Law Judge
 Marlane R. Chestnut
 1302 Philadelphia State Office Building
 1400 West Spring Garden Street
 Philadelphia, PA 19130
 Telephone: (215) 560-2105
 Fax: (215) 560-3133

Persons with a disability who wish to attend the prehearing, should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the prehearing conference:

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1786. Filed for public inspection September 26, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. 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 by October 13, 2008. Documents filed in support of the applications 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 business address of the respective applicant.

Application of the following for approval to *begin operating as contract carriers for transportation of persons as described under the application.*

A-2008-2060874. Shenanigans Transport Services, Inc. (6 Rose Lane, Wilkes-Barre, Luzerne County, PA 18702), a corporation of the Commonwealth—contract carrier—for John and Mary Ruane, t/d/b/a Master Travel, persons between points in Pennsylvania. *Attorney:* David Hiscox, 400 Third Avenue, Suite 201, Kingston, PA 18704.

Application of the following for approval to *begin operating as a broker for transportation of persons as described under the application.*

A-2008-2060695. Lockheart Limousine, Inc., t/a Shamrock Limousine (3990 Patterson Road, Aliquippa, Beaver County, PA 15001), a corporation of the Commonwealth—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* David M. O'Boyle, Esquire, Wick, Streiff, Meyer, O'Boyle & Szeligo, PC, 1450 Two Chatham Center, Pittsburgh, PA 15219.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1787. Filed for public inspection September 26, 2008, 9:00 a.m.]

Telecommunications

A-2008-2063937. The North-Eastern Pennsylvania Telephone Company and South Canaan Cellular Communications Co., LP, d/b/a Cellular One of Northeast Pennsylvania. Joint petition of The North-Eastern Pennsylvania Telephone Company and South Canaan Cellular Communications Co., LP, d/b/a Cellular One of Northeast Pennsylvania for approval of a commercial mobile radio services interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

The North-Eastern Pennsylvania Telephone Company and South Canaan Cellular Communications Co., LP, d/b/a Cellular One of Northeast Pennsylvania, by its counsel, filed on September 10, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition

for approval of a commercial mobile radio services interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of The North-Eastern Pennsylvania Telephone Company and South Canaan Cellular Communications Co., LP, d/b/a Cellular One of Northeast Pennsylvania joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1788. Filed for public inspection September 26, 2008, 9:00 a.m.]

Transfer of Stock

A-2008-2063737. The Peoples Natural Gas Company, d/b/a Dominion Peoples. Joint application of The Peoples Natural Gas Company, d/b/a Dominion Peoples, currently owned by Dominion Resources, Inc., for approval of the transfer of all the Issued and Outstanding Shares of Capital Stock of The Peoples Natural Gas Company to Peoples Hope Gas Companies, LLC, an indirect subsidiary of Babcock & Brown Infrastructure Fund North America, LP, and to approve the resulting change in control of The Peoples Natural Gas Company, d/b/a Dominion Peoples.

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 October 14, 2008. 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: The Peoples Natural Gas Company, d/b/a Dominion Peoples and Peoples Hope Gas Companies, LLC

Through and By Counsel: William T. Hawke, Esquire, Lillian Smith Harris, Esquire, Hawke, McKeon and Sniscak, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17101

Louise A. Knight, Esquire, David P. Zambito, Esquire, Dennis J. Buckley, Esquire, Reger Rizzo & Darnall, LLP, 20 North Market Square, Suite 300, Harrisburg, PA 17101

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-1789. Filed for public inspection September 26, 2008, 9:00 a.m.]

UNITED STATES POSTAL SERVICE® Statement of Ownership, Management, and Circulation
(All Periodicals Publications Except Requester Publications)

1. Publication Title Pennsylvania Bulletin		2. Publication Number 0 8 3 8 - 9 8 0 0				3. Filing Date 09/22/08
4. Issue Frequency Weekly		5. Number of Issues Published Annually 52				6. Annual Subscription Price \$82.00
7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4®) Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033 Dauphin County					Contact Person Mary Jane Phelps Telephone (include area code) 717-783-1530	
8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer) Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033						
9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank)						
Publisher (Name and complete mailing address) Mary Jane Phelps Pennsylvania Bulletin (Same as above)						
Editor (Name and complete mailing address) Barbara Furjanic Pennsylvania Bulletin (Same as above)						
Managing Editor (Name and complete mailing address) None						

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

Full Name	Complete Mailing Address
Commonwealth of Pennsylvania	Commonwealth of Pennsylvania
Legislative Reference Bureau	Legislative Reference Bureau
641 Main Capitol Building	641 Main Capitol Building
Harrisburg, PA 17120-0033	Harrisburg, PA 17120-0033


11. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or More of Total Amount of Bonds, Mortgages, or Other Securities. If none, check box None

Full Name	Complete Mailing Address

12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
 The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes:
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

13. Publication Title Pennsylvania Bulletin		14. Issue Date for Circulation Data Below September 20, 2008	
15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		5761	5636
b. Paid Circulation (By Mail and Outside the Mail)	(1) Mailed Outside-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	5479	5354
	(2) Mailed In-County Paid Subscriptions Stated on PS Form 3541 (include paid distribution above nominal rate, advertiser's proof copies, and exchange copies)	0	0
	(3) Paid Distribution Outside the Mails Including Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Paid Distribution Outside USPS®	0	0
	(4) Paid Distribution by Other Classes of Mail Through the USPS (e.g. First-Class Mail®)	0	0
c. Total Paid Distribution (Sum of 15b (1), (2), (3), and (4))		5479	5354
d. Free or Nominal Rate Distribution (By Mail and Outside the Mail)	(1) Free or Nominal Rate Outside-County Copies included on PS Form 3541	0	0
	(2) Free or Nominal Rate In-County Copies included on PS Form 3541	0	0
	(3) Free or Nominal Rate Copies Mailed at Other Classes Through the USPS (e.g. First-Class Mail)	0	0
	(4) Free or Nominal Rate Distribution Outside the Mail (Carriers or other means)	0	0
e. Total Free or Nominal Rate Distribution (Sum of 15d (1), (2), (3) and (4))		0	0
f. Total Distribution (Sum of 15c and 15e)		5479	5354
g. Copies not Distributed (See instructions to Publishers #4 (page #3))		282	282
h. Total (Sum of 15f and g)		5761	5636
i. Percent Paid (15c divided by 15f times 100)		100	100

16. Publication of Statement of Ownership
 If the publication is a general publication, publication of this statement is required. Will be printed in the September 27, 2008 issue of this publication.
 Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner
 EDITOR
 Date
 9-24-2008

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this