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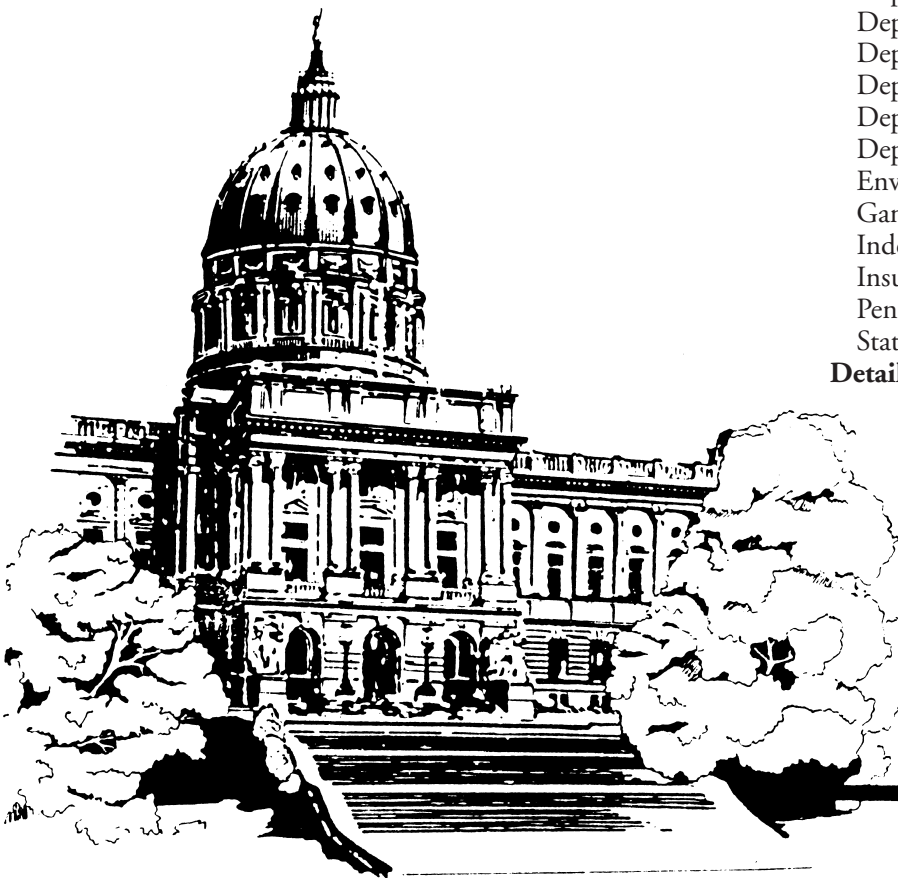
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Department of Transportation
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Game Commission
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**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 451, June 2012

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

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* is available at www.pacode.com.

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2012.

4 Pa. Code (Administration)

Adopted Rules

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6	1633, 3199

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7 Pa. Code (Agriculture)

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22 Pa. Code (Education)

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2012-05]

Commonwealth Continuity of Government

April 30, 2012

Whereas, the functions and services of the government of the Commonwealth of Pennsylvania are essential to the well being of all of Pennsylvania's citizens; and

Whereas, the safety and well being of all commonwealth employees and citizens are of the highest priority; and

Whereas, commonwealth investment in natural and personnel resources, systems, equipment and other assets is extensive and is the valued property of all Pennsylvanians; and

Whereas, there is a need to prevent, prepare for, rapidly respond to, and recover from emergency situations, whether resulting from natural causes or intentional acts; and

Whereas, there is a need to have an integrated approach for emergencies, including prevention, preparation, response, and recovery, among all commonwealth agencies; and

Whereas, all commonwealth agencies, as well as the legislature and the judiciary, must provide a well coordinated and prepared approach to ensure the effective continuation of government operations and the safety of individuals; and

Whereas, the Continuity of Government Office (Office) and the Commonwealth Continuity of Government Steering Committee (Steering Committee) shall work together to provide guidelines, oversight, and policy direction for improving Pennsylvania's continuity of government and operations.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the commonwealth, do hereby establish the Office and the Steering Committee, as set forth in this Executive Order, whose primary objectives are to coordinate and maintain commonwealth operations during emergencies and disruptions, by providing enterprise-wide guidelines, oversight, and policy direction.



Governor

Fiscal Note: 2012-5. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

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6.51—6.56. (Reserved).

Subchapter MM. CONTINUITY OF GOVERNMENT OFFICE

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6.482.	Responsibilities.
6.483.	Composition.
6.484.	Relationship with other agencies.
6.485.	Effective date.
6.486.	Rescission.

§ 6.481. Mission.

The mission of the Commonwealth Continuity of Government Steering Committee is to ensure the ability of the Commonwealth to continue to provide essential services during an emergency through its support of the Continuity of Government Office.

§ 6.482. Responsibilities.

The Commonwealth Continuity of Government Steering Committee shall do the following:

- (1) Assess the level of continuity of government preparedness among Commonwealth agencies.
- (2) Assess the ability of the executive, judicial and legislative branches to coordinate and continue the effective functioning of government during an emergency.
- (3) Approve and promote the annual priorities of the Continuity of Government Office (Office) for ensuring the coordination and maintenance of Commonwealth operations during emergencies and disruptions.
- (4) Provide guidelines, oversight and policy direction for improving continuity of government and operations by the Office.

§ 6.483. Composition.

The Commonwealth Continuity of Government Steering Committee (Steering Committee) shall consist of the following members:

- (1) The Secretary of Administration, who will serve as Chairperson of the Steering Committee.
- (2) The Secretary of General Services.
- (3) The Director of the Pennsylvania Emergency Management Agency.
- (4) The Commissioner of the Pennsylvania State Police.
- (5) The Director of the Continuity of Government Office.
- (6) The Chief Information Officer of the Office of Administration.
- (7) Other members as appointed by the Governor.

§ 6.484. Relationship with other agencies.

Commonwealth agencies, boards and commissions under the Governor's jurisdiction shall cooperate fully with the Secretary of Administration, the Director of the Continuity of Government Office and the Commonwealth Continuity of Government Steering Committee.

§ 6.485. Effective date.

This subchapter takes effect immediately.

§ 6.486. Rescission.

Executive Order 2006-1 is rescinded.

[Pa.B. Doc. No. 12-1038. Filed for public inspection June 8, 2012, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2012 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2012 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2012 General Acts of Regular Session Enacted—Act 034 through 052					
034	May 8	HB0469	PN2756	60 days	Practical Nurse Law—violations
035	May 8	HB0470	PN2757	60 days	Professional Nursing Law—use of title
036	May 8	HB1500	PN3336	Immediately*	Military and Veterans Code (51 Pa.C.S.)—omnibus amendments
037	May 8	HB1827	PN2345	60 days	Mary Ellen Tiesi Memorial 9-11 Bridge—redesignation
038	May 8	SB0354	PN1354	60 days	REAL ID Nonparticipation Act—enactment
039	May 8	SB0539	PN0545	60 days	Vehicle Code (75 Pa.C.S.)—grading and penalties
040	May 8	SB1141	PN1909	60 days	Manufactured Housing Improvement Act—coverage to relocated housing expanded
041	May 17	HB0061	PN0029	60 days	Judicial Code (42 Pa.C.S.)—collection of court costs, restitution and fines by private collection agency
042	May 17	HB1546	PN3167	60 days	Judicial Code (42 Pa.C.S.)—powers and duties of the Juvenile Court Judges' Commission
043	May 17	HB1702	PN3331	60 days	Borough Code—reenactment and omnibus amendments
044	May 17	HB2045	PN2814	60 days	Sergeant Robert W. Hartsock Memorial Bridge—designation
045	May 17	HB2133	PN2978	60 days	Sergeant Joseph M. Garrison Memorial Bridge—designation
046	May 17	HB2192	PN3077	60 days	First Lieutenant Colby J. Umbrell Memorial Bridge—designation
047	May 17	HB2246	PN3195	60 days	First Lieutenant Travis Lemma Manion Memorial Bridge—designation
048	May 22	HB1862	PN2400	60 days	Private First Class Edward Ritsick Memorial Bridge—designation
049	May 22	HB1955	PN2686	60 days	Staff Sergeant Richard J. Tieman Memorial Highway—designation
050	May 22	HB1956	PN2687	60 days	Master Sergeant Benjamin F. Bitner Memorial Highway—designation
051	May 22	HB2134	PN2979	60 days	Insurance Department Act of 1921—exemptions and supplemental provisions and rules
052	May 24	HB2271	PN3255	60 days	PFC Robert “Piney Decker” Nadolski Memorial Bridge—designation
2012 Vetoes of Regular Session of Bills—Veto 001					
001	May 18	SB0342	PN0549	60 days	Occupational Therapy Practice Act—omnibus amendments

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$25.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, accompanied by a check or money order in the sum of \$25, payable to the "Commonwealth of Pennsylvania."

ROBERT ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 12-1039. Filed for public inspection June 8, 2012, 9:00 a.m.]

THE COURTS

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 1 AND 3]

Order Amending Rules 120, 160, 163, 166, 300, 302, and 340 and Adopting New Rule 161 of the Rules of Juvenile Court Procedure; No. 569 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 21st day of May, 2012, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 40 Pa.B. 4742 (August 21, 2010), in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 999, No. 2, September 17, 2010), and on the Supreme Court's web page, and an Explanatory Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 120, 160, 163, 166, 300, 302, and 340 and adoption of new Rule 161 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective August 1, 2012.

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart A. DELINQUENCY MATTERS

CHAPTER 1. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 120. Definitions.

* * * * *

HEALTH CARE is care related to any medical need including physical, mental, and dental health. This term is used in the broadest sense to include any type of health need.

INSPECTION is the official examination of a document or evidence as authorized by Rules 160 and 161.

INTAKE STAFF is any responsible person taking custody of the juvenile on behalf of the court, detention facility, or medical facility.

ISSUING AUTHORITY is any public official having the power and authority of a magistrate, a Philadelphia bail commissioner, or a Magisterial District Judge.

JUDGE is a judge of the Court of Common Pleas.

JUVENILE is a person who has attained ten years of age and is not yet twenty-one years of age who is alleged to have, upon or after the juvenile's tenth birthday, committed a delinquent act before reaching eighteen years of age.

JUVENILE PROBATION FILES are those records formally maintained by the juvenile probation office and its officers, including, but not limited to, copies of information contained in the official juvenile court record; social studies; school records and reports; health evaluations, screenings, assessments, records, and reports, including psychological and psychiatric evaluations and reports; drug and alcohol testing, evaluations, and reports; placement reports and documents; employment records; and probation reports.

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a [**count's**] **county's** juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

* * * * *

Official Note: Rule 120 adopted April 1, 2005, effective October 1, 2005. Amended December 30, 2005, effective immediately. Amended March 23, 2007, effective August 1, 2007. Amended February 26, 2008, effective June 1, 2008. Amended July 28, 2009, effective immediately. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended September 7, 2011, effective immediately. Amended September 20, 2011, effective November 1, 2011. **Amended May 21, 2012, effective August 1, 2012.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the amendments to Rule 120 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART C. RECORDS

PART C(1). ACCESS TO JUVENILE RECORDS

Rule 160. [**Inspection of**] **Inspecting, Copying, and Disseminating** the Official Court Record.

A. [**General Rule**] **Inspecting.** The official court record is only open to inspection by:

* * * * *

B. **Copying.** Any person, agency, or department permitted to inspect the record pursuant to paragraph (A) may copy or be provided with a copy of the record.

C. **Disseminating.** Unauthorized dissemination of any information contained in the official court record to a person, agency, or department not permitted to inspect or copy the record pursuant to this rule may result in a finding of contempt of court.

D. **Public availability.** Upon request, a public document shall be created by the clerk of courts if the case is designated eligible for public inspection pursuant to Rule 330 or 515.

* * * * *

Comment

Pursuant to paragraph (A)(11), the court may order that any person, agency, or department receive a copy of all or portions of the record. The court order is to state: 1) the specific information the person, agency or department may receive; 2) that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and 3) that any dissemination of the information received is a violation of the court order.

See the Juvenile Act, 42 Pa.C.S. § 6307, for the statutory provisions on inspection of the juvenile's file and 42 Pa.C.S. § 6352.1 for disclosure of treatment records.

See Rule 120 for definition of the "official court record."

This rule is meant to include the contents of the official court record as described in Rule 166.

When delinquency proceedings are commenced pursuant to Rule 200(4), the entire criminal court file is to be transferred with the case to juvenile court. This criminal case file is now the juvenile court file, which is the official court record, and the disclosure requirements of this rule apply.

Paragraph (C) protects the juvenile from dissemination of information contained in the official court record to unauthorized sources. Nothing in this rule is intended to preclude the juvenile or the juvenile's attorney from discussing the case with others, such as, local newspaper reporters. However, specific information concerning the victim should not be disseminated by the juvenile or the juvenile's attorney.

Under paragraph [(B)] (D), there is one document for each eligible case that is open for public inspection. The public document should be clearly marked for employees of the clerks' office as the only document available for inspection by the general public. All other information contained in the official court record is not open for public inspection but only open to inspection to the persons enumerated in paragraph (A).

See Rule 330 for designation of public availability status in the juvenile petition. See Rule 515 for designation of public availability status in the dispositional order.

Official Note: Rule 160 adopted April 1, 2005, effective October 1, 2005[; amended]. Amended December 30, 2005, effective immediately. Amended August 20, 2007, effective December 1, 2007. Amended May 12, 2008, effective immediately. Amended December 24, 2009, effective immediately. **Amended May 21, 2012, effective August 1, 2012.**

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 160 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

(*Editor's Note:* Rule 161 is new and printed in regular type to enhance readability.)

Rule 161. Inspecting, Copying, and Disseminating Juvenile Probation Files.

A. *Inspecting and copying.* Except as provided in paragraph (C), juvenile probation files shall be open to inspection and/or copying only by:

- 1) the juvenile's attorney;
- 2) the attorney for the Commonwealth;
- 3) the Sexual Offender Assessment Board; or
- 4) any other person, agency, or department by order of court.

B. *Electronic records.*

1) Records which are maintained electronically by juvenile probation offices shall be subject to inspection and/or copying only pursuant to court order.

2) Each juvenile probation office shall create a document which describes the information that is maintained by the juvenile probation office concerning each juvenile. This document shall be open to inspection and copying pursuant to paragraph (A).

C. *Contents of order.* The order shall:

- 1) specify who shall be permitted to inspect the record or any portion of the record;
- 2) specify who shall be permitted to copy the record;
- 3) state that the information received shall not be disseminated to any person, agency, or department not listed in the court order; and
- 4) state that dissemination of any information received is a violation of the court order.

D. *Disseminating.*

1) The juvenile probation office has discretion to disseminate portions of its files to the juvenile, service providers, placement facilities, and courts and courts' professional staff of other jurisdictions when facilitating placement, the delivery of services, treatment, or transfer of the case to, or supervision by another jurisdiction consistent with applicable Federal or state law.

2) Unauthorized dissemination of any information contained in the juvenile probation file to a person, agency, or department not permitted to inspect or copy the file pursuant to this rule may result in a finding of contempt of court.

Comment

Documents contained in the juvenile probation files are not a part of the official court record unless the juvenile probation office officially files the documents in the official court record. Those documents placed in the official court record are governed by Rule 160 and 42 Pa.C.S. § 6307.

The notes of a juvenile probation officer, which describe the officer's impressions or personal observations but which are not included in a report to the court or other report, are not considered a component of a juvenile probation file that is open to inspection or copying under paragraph (A).

Nothing in this rule is intended to preclude the juvenile probation office from sharing information in its file with the juvenile.

Official Note: Rule 161 adopted May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

Final Report explaining the provisions of Rule 161 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Rule 163. Release of Information to School.

* * * * *

D. *Maintained separately.* Any information provided to the building principal or his or her designee under this rule shall be maintained separately from the juvenile's official school record.

E. *Dissemination.* Unauthorized dissemination of any information contained in the school record to any unauthorized person, agency, or department may result in a finding of contempt of court.

Comment

The delinquency information in the school record is to be used only by school officials and is not to be released to the general public or third parties unless ordered by the court. In addition, information sent to the school may not be used for disciplinary purposes against the juvenile. The juvenile probation office should send a notice to the school when it sends information to the school concerning the findings of the court. The notice should state that any information received by the school should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions. See 42 Pa.C.S. § 6341(b.1)(4).

For further dissemination and usage in school, see 42 Pa.C.S. § 6341(b.1).

Official Note: Rule 163 adopted April 1, 2005, effective October 1, 2005. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 163 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART C(2). MAINTAINING RECORDS

Rule 166. Maintaining Records in the Clerk of Courts.

* * * * *

Comment

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This rule is not intended to include items contained in the juvenile probation [records or reports] files. [See Rule 160 (Inspection of the Official Court Record) and its Comment for items contained in juvenile probation records or reports.]

* * * * *

Official Note: Rule 166 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 166 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

PART A. VENUE

Rule 300. Venue.

* * * * *

C. *Transmission of all records.* If there is a change of venue pursuant to paragraph (B):

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court; and

2) The juvenile probation office of the transferring court shall transfer [all] its [records] juvenile probation files to the juvenile probation office where venue has been transferred.

Official Note: Rule 300 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 300 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

Rule 302. Inter-County Transfer.

* * * * *

C. *Transmission of all records.* If the case is transferred pursuant to paragraph (A) or (B):

1) the transferring court shall transfer certified copies of all documents, reports, and summaries in the juvenile's official court record to the receiving court;

2) the juvenile probation office of the transferring court shall transfer [all] its [records] juvenile probation files to the juvenile probation office where jurisdiction has been transferred.

* * * * *

Official Note: Rule 302 adopted April 1, 2005, effective October 1, 2005. Amended December 24, 2009, effective immediately. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 302 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

PART D. PROCEDURES FOLLOWING FILING OF PETITION

Rule 340. Pre-Adjudicatory Discovery and Inspection.

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Comment

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In addition to information requested under this rule, an attorney has the right to inspect all court records and files, including juvenile probation [records and reports] files. See [Rule] Rules 160 and 161.

Official Note: Rule 340 adopted April 1, 2005, effective October 1, 2005. Amended May 21, 2012, effective August 1, 2012.

Committee Explanatory Reports:

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Final Report explaining the amendments to Rule 340 published with the Court's Order at 42 Pa.B. 3203 (June 9, 2012).

EXPLANATORY REPORT**May 2012**

The Supreme Court of Pennsylvania has adopted the modifications to Rules 120, 160, 163, 166, 300, 302, and 340 and new Rule 161 with this Recommendation. The changes are effective August 1, 2012.

Background

In December of 2009, the Court adopted changes to Rules 120 and 160 which eliminated the inspection of juvenile probation records from the Rules of Court. The scope of Rule 160 was changed from Inspection of Juvenile File/Records to Inspection of the Official Court Record as defined by Rule 120.

It was important to define the official court record, to identify the entity responsible for overseeing the record, and to clarify how the record shall be viewed. The Committee deferred addressing juvenile probation files until a future date.

In early 2010, judges and probation officers from various judicial districts inquired as to whether the Rules addressed the copying and inspection of juvenile probation files.

Now with these rule changes, the official court record is further distinguished from juvenile probation files. These changes provide for inspecting, copying, and disseminating the official court record and juvenile probation files.

Rule 120—Definitions

The definition of juvenile probation files explains what is included in the juvenile probation file and distinguishes it from the official court record. Copies of documents contained in the official court record may, however, also be included in the juvenile probation file.

In addition, “inspection” of the record is defined. It does not include the copying of the record.

Rule 160—Inspecting, Copying, and Disseminating the Official Court Record

This rule now addresses the inspecting, copying, and disseminating of information contained in the official court record. New paragraphs were added to address each issue.

The Comment further explains that the inspection of the record does not include copying the record. It is important that a court order clearly articulate whether copying is permitted. The court order should specify: 1) the exact information a person, agency, or department may receive; 2) that the information shall not be disseminated to any person, agency, or department not specified in the court order; and 3) that any unauthorized dissemination is a violation of the court order.

The court must balance the importance of sharing critical information with a specific individual, agency, or department against the potential for inappropriate use of information once released.

This rule limits the distribution of the information and provides that it is unlawful to further disseminate information concerning a juvenile from the official court record.

Rule 161—Inspecting, Copying, and Disseminating Juvenile Probation Files

This new rule provides for the inspecting and/or copying of juvenile probation files by the party’s attorneys. If the court determines that any other person, agency, or

department needs the information in the juvenile probation file, the court specifically shall order it.

The rule also provides for the sharing of information contained in the juvenile probation file in paragraph (D). The sharing of information is controlled by the juvenile probation office. The rule gives the probation office discretion to share information with the juvenile, service providers, placement facilities, and courts of other jurisdictions. This is necessary for the juvenile probation office to perform its daily operations and carry out its responsibilities in maintaining its services for its juveniles.

The rule also mandates that when the juvenile probation office shares information, it will not be further disseminated. Dissemination of information received, unless specifically authorized, is a violation of the court order.

Rule 163—Release of information to schools

Information received from the court must not be disseminated to any unauthorized person, agency, or department. Additionally, information sent to the school concerning the court’s findings should not be used against the juvenile for disciplinary reasons, including suspensions and expulsions.

Rule 166—Maintaining Records in the Clerk of Courts

Juvenile probation records are not a part of the official court record; therefore, this Comment is being deleted. Prior to the changes of Rule 160 in December of 2009, many judicial districts interpreted juvenile probation files as a part of the “files and records of the court.”

Rule 300—Venue and Rule 302—Inter-county Transfer

To remain consistent with the new definition in Rule 120, “records” has been changed to “juvenile probation files” in these rules.

Rule 340—Pre-adjudicatory Discovery and Inspection

The new Rule 161 has been cited in the Comment to this rule.

[Pa.B. Doc. No. 12-1040. Filed for public inspection June 8, 2012, 9:00 a.m.]

Title 25—LOCAL COURT RULES

FRANKLIN AND FULTON COUNTIES

Adoption and Amendment of Local Rules of Orphans’ Court Procedure for Actions in Adoption; Misc. Doc. No. 7-OC-2012

Order

And Now, this 10th day of May, 2012, in light of the enactment of requirements for Adoptions under Act 101 of 2010,

It Is Hereby Ordered That the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Orphans’ Court Division, are amended, rescinded or adopted as indicated this date, to be effective thirty (30) days following the date of their publication in the *Pennsylvania Bulletin*:

Local Rules of Orphans' Court Procedure 39-15.1, 39-15.5.8, and 39-16 shall be amended as provided as follows.

Local Rule of Orphans' Court Procedure 39-15.5.9 shall be adopted in the following form.

Local Rule of Orphans' Court Procedure 39-15.4 shall be rescinded.

It Is Further Ordered That the District Court Administrator shall:

1. Cause seven (7) certified copies of the Local Rules to be filed with the Administrative Office of Pennsylvania Courts.

2. Distribute two (2) certified copies of the Local Rules and a computer diskette containing the text of the Local Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The computer diskette shall be formatted and labeled as provided under the Note to Pa. R.C.P. 239(c)(3).

3. Cause one (1) certified copy of the Local Rules to be filed with the Orphans' Court Procedural Rules Committee.

4. Ensure a copy of the amended Local Rules, as well as all Local Orphans' Court Rules, shall be continuously available for public inspection and copying in the office of the Clerk of Courts of Franklin County and the office of the Clerk of Courts in Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Clerk of Courts shall furnish to any person a copy of any Local Rule.

5. Provide one (1) certified copy of the Local Rules to the Franklin County Law Library, and one (1) certified copy of the Local Rules to the Fulton County Law Library.

6. Arrange for the publication of the Local Rules on the Franklin County Bar Association Website at www.franklinbar.org.

By the Court

DOUGLAS W. HERMAN,
President Judge

RULE 39—15. ADOPTIONS

Rule 39—15. 1. Practice and Procedure.

(a) *Reports and Petitions; Fees.* All reports and petitions relating to adoption shall be filed with the Clerk of Courts and shall be in such form as is designated from time to time by the Court. All filing fees shall be paid at the time of filing. The Clerk shall assign each case a docket number in the format as follows: _____ - ADOPT - (YEAR). Upon the completion of any proceedings relative to adoption, all documents in connection therewith shall be handled in the manner set forth in Pa. O.C.R. 15.7.

(b) *Request for Investigation.* If no report of intention to adopt is required, in the absence of a special order of court, there shall be no investigation of the petition for

adoption. If an investigation of the adoption petition is necessary, the Court shall order the investigating agency to conclude its investigation and file its report not later than ninety (90) days after the filing of the notice of intention to adopt.

(c) *Counseling fund.* Pursuant to 23 Pa.C.S.A. § 2505(e), a fund has been established by the county to provide funding for counseling pursuant to 23 Pa.C.S.A. § 2505(c) or (d) for those who are unable to pay for such counseling. A parent who cannot afford to pay for counseling may petition the Court for payment of counseling by the fund. If the Court finds that the parent is unable to pay for counseling and desires counseling, the Court shall order payment from the fund.

Rule 39—15. 5. 8. Confirmation of Consents.

(a) *Hearing.* The hearing for confirmation of consents under 23 Pa.C.S.A. § 2504(a) may be held at the same time as the hearing on the petition for adoption provided that said hearing shall not be held sooner than thirty (30) days after the signing of the consent to adoption.

(b) *Notice.* Notice of the hearing on confirmation of consents shall be given to each parent as directed in Pa. O.C.R. 15.6 and 23 Pa.C.S.A. § 2504(b) and in the form directed in 23 Pa.C.S.A. § 2513(b).

Rule 39—15. 5. 9. Compliance with Act 101 of 2010.

(a) *Notice of Act 101 of 2010 Rights.* Either prior to, or contemporaneously with the service of the Notice of Confirmation Hearing or Notice of Involuntary Termination of Parental Rights Hearing, the Notice of Act 101 of 2010 Rights shall be served on birth parents and prospective adoptive children, if of an age that they may be reasonably likely to understand the rights set forth. An Affidavit of Service for all Notices required under these Rules shall be filed with the Clerk of Court prior to the date of the Involuntary Termination or Confirmation of Consent hearing.

(b) *Petition for Adoption.* The Petition for Adoption shall contain an averment that the Notice of Act 101 of 2010 Rights has been provided to the adoptive parents, whether a post-adoption voluntary contact agreement has been entered into, and any such agreement and the Notice of Act 101 Rights shall be attached as exhibits to the Petition for Adoption.

(c) *Publication.* In the event of service by publication, the following language shall be added to the published Notice: "Under Act 101 of 2010, there may be an option to enter into a voluntary, enforceable post-adoption contact agreement."

Rule 39—16. Forms.

(a) *Consent of a child over the age of 12.* A child over the age of 12 shall consent to his or her adoption and shall sign a consent form in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF

Born

:
:
:
:
:
:

Orphans' Court Division

_____ - ADOPT - _____

CONSENT TO ADOPTION BY ADOPTEE
(Consent of proposed adoptee over 12 years of age)
23 Pa.C.S.A. § 2711(a)(1)

I, [name of adoptee], the above proposed adoptee, aged [age], do hereby certify that I have read the petition in the above-captioned matter and fully understand the contents thereof and do hereby, without reservation, give my consent to my adoption by [name of adopting parents] the petitioners in the above-captioned matter.

I have read and understand the above and I am signing it as a free and voluntary act.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____, 20 __, at _____.

(Signature of Consenter)

Place of execution: _____

WITNESSES:

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

STATE OF _____

COUNTY OF _____

On this, the ____ day of _____, 20 __, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(b) Consent by biological parent. A biological parent who is not a petitioner in the adoption action shall sign a consent to the adoption of the child in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
:
Born : _____ - ADOPT - _____
:
:

CONSENT TO ADOPTION
23 Pa.C.S.A. § 2711(a) and (d)

(Name of Consenting Parent) Age (Marital Status) (Relationship to Child)

(Name of Other Parent)

I hereby voluntarily and unconditionally consent to the adoption of [name of adoptee], born [date of birth].

I understand that by signing this consent I indicate my intention to permanently give up all rights to this child.

I understand such child will be placed for adoption.

CONSENT TO ADOPTION BY [GUARDIAN] [PERSON HAVING CUSTODY OF ADOPTEE]
23 Pa.C.S.A. § 2711(a)(5)

[I] [We], [name of consenter], [being the guardian of] [having custody of] [do] [does] certify without disclosure of the name or other identification of the adopting parent(s) the [I] [we] have read the petition in the above captioned matter and fully understand the contents thereof, and without any undue influence or coercion exerted upon [me] [us] by any person, [I] [We] willingly and of [my] [our] own volition surrender all of [my] [our] rights in and to said adoptee, and believing that it will promote [his] [her] welfare, give consent to [his] [her] adoption.

I have read and understand the above and I am signing it as a free and voluntary act.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ____ day of _____ 20 __, at _____.

(Signature of Consenter)

Place of execution: _____

WITNESSES:

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

(Name) (Signature) (Relationship to Consenter) (Date)

ADDRESS (street) (town) (state) (zip code)

STATE OF _____

COUNTY OF _____

On this, the ____ day of _____, 20 __, before me, _____, the undersigned officer, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within consent to adoption and acknowledged that he executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(d) Consent of spouse or natural parent in a step-parent adoption: The spouse of the adopting parent shall sign a consent to the adoption of the child in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: _____ - ADOPT - _____
Born :
:

CONSENT TO ADOPTION BY [ADOPTING PARENT'S SPOUSE] (if not joining in petition) [NATURAL PARENT IN STEP-PARENT ADOPTION] 23 Pa.C.S.A. § 2711(a)(2)

I, [name of natural parent], do hereby certify that I am [age] years of age, that I have read the petition in the above captioned matter and fully understand the contents thereof and do hereby, without reservation and without undue influence or coercion exerted upon me by any person, give my consent to the adoption of [name of adoptee] as prayed for in the foregoing petition. [In consenting to this adoption I am hereby retaining for myself all my rights and duties as a natural parent.]

I have read and understand the above and I am signing it as a free and voluntary act.

5. That the natural father of [name of adoptee] is [name of natural father], whose current address [street], [city], Pennsylvania [zip code]; he is [age] years of age, his date of birth being [date of birth]; his race is [racial background]; he is currently [un] married; he was [not] married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is [religion].

6. The legal grounds for the involuntary termination of parental rights of [name of natural parent] are as follows:

a) 23 Pa.C.S. § 2511 (a)(1)- The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b) 23 Pa.C.S. § 2511 (a)(2)- The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

c) 23 Pa.C.S. § 2511 (a)(3)- The parent is the presumptive but not the natural father of the child.

d) 23 Pa.C.S. § 2511 (a)(4)- The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

e) 23 Pa.C.S. § 2511 (a)(5)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

f) 23 Pa.C.S. § 2511 (a)(6)- In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

g) 23 Pa.C.S. § 2511 (a)(7)- The parent is the father of a child who was conceived as a result of a rape or incest.

h) 23 Pa.C.S. § 2511 (a)(8)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

i) The parent has been convicted of one of the following in which the victim was a child of the parent:

1. An offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
2. A felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
3. An offense on another jurisdiction equivalent to an offense in subparagraph (1) or (2); or
4. An attempt, solicitation or conspiracy to commit an offense in subparagraph (1), (2), or (3).

7. The facts which support said grounds for termination are as follows:

- a)
- b)
- c)

8. [Name of natural parent facing termination] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003 (50 U.S.C. App. 501 et seq.).

9. The child is not a member of, nor entitled to membership in, any Native American Tribe, therefore the child is not an "Indian Child" pursuant to the Indian Child Welfare Act. [if applicable]

10. Neither parent requires the services of a translator at the hearing and/or forms to be prepared in another language. [if applicable]

11. Petitioner(s) consents to accept custody of [name of adoptee] until such time as the child is adopted.

WHEREFORE, your petitioner prays your Honorable Court to enter an order directing that a time and place be set for a hearing on this Petition and upon holding said hearing to enter a Decree:

1. Finding that the involuntary termination of the parental rights of [name of natural parent] would best serve the needs and welfare of the child.

2. Directing the transfer of custody of [name of adoptee] to Petitioner(s).

3. Authorizing Petitioner(s) to give consent to the adoption of [name of adoptee] without further consent of, or notification to, [name of natural parent].

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this ____ day of _____, 20 __, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(f) *Confirmation of Consent.* A petition for confirmation of consent under 23 Pa.C.S.A. § 2504(a) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF _____ : Orphans' Court Division
: :
Born _____ : _____ - ADOPT - _____
: :
: :

PETITION FOR CONFIRMATION OF CONSENT
23 Pa.C.S.A. § 2504(a)

To the Honorable, the Judges of said Court:

The petition of [name of petitioner], respectfully represents:

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [relation to adoptee], [having its office at] [residing at] [address], [county] County, Pennsylvania, has the care and custody of [name of adoptee], a minor [sex of adoptee] child born [date of birth] in [place of birth], [county of birth] County, Pennsylvania. The child was born to [name of natural mother], Mother, and [name of natural father], Father.

2. That your petitioner, [name of petitioner], is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. The mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth]; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. The natural father of [name of adoptee] is [name of natural father], whose current residence is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, born on [date of birth], in [place of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto, and his religious affiliation is [religion].

5. [Name of consenting parent] has executed a consent for the subsequent adoption of [name of adoptee], said consent being attached hereto and incorporated herein as "Exhibit A."

6. The aforesaid consent of was executed on [date of execution] and more than thirty (30) days have elapsed since the dates without the said [name of consenting parent] filing or proceeding with a petition for the voluntary relinquishment of his/her parental rights.

7. [Name of petitioners] consents to accept custody of [name of adoptee].

8. The child is not a member of, nor entitled to membership in, any Native American Tribe, therefore the child is not an "Indian Child" pursuant to the Indian Child Welfare Act. [if applicable]

9. Neither parent requires the services of a translator at the hearing and/or forms to be prepared in another language. [if applicable]

10. [Name of consenting parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003 (50 U.S.C. App. 501 et seq.).

11. Your petitioners seek to confirm the consent to adoption executed by the aforesaid pursuant to Section 2504 of the Adoption Act of 1980, as amended (23 Pa.C.S.A., Section 2504).

WHEREFORE, your petitioner prays your Honorable Court to make a decree confirming the consent to adoption executed by [name of consenting parent] with respect to the minor child born to [names of natural parents], on [date of birth of adoptee], in [place of birth], [county of birth] County, Pennsylvania, known as [name of adoptee], thereby terminating all his rights and duties as father/mother of said [name of adoptee] and awarding custody of [name of adoptee] to [petitioner], under the provision of Section 2521 of the Adoption Code, and permitting the adoption of [name of adoptee] to proceed without further notice to or consent from [name of consenting parent].

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)

Title: _____

My commission expires: _____

I maintain my office in: _____

(g) *Order Scheduling Hearing.* The orders scheduling the hearing on the Petition for Involuntary Termination of Parental Rights, the Petition for Adoption, and the Petition for Confirmation of Consent shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF

: Orphans' Court Division

:

Born

:

: _____ - ADOPT - _____

:

:

ORDER

23 Pa.C.S.A. § 2504(b)

AND NOW, this ____ day of _____, 20 ____, the within Petition for Involuntary Termination of Parental Rights/Petition for Adoption/Petition to Confirm Consent having been presented in Chambers, read, considered and ordered filed, _____, the ____ day of _____, 20 ____, at ____ o'clock ____ m., prevailing time, in the assigned Court Room of the Franklin County Courthouse, Chambersburg, Franklin County, Pennsylvania, is fixed as the time and place of hearing thereon. Notice of the said hearing shall be given to [name of natural mother]; [name of attorney for natural mother], Esquire, Attorney for Natural Mother; [name of natural father]; [name of attorney for natural father], Esquire, Attorney for Natural Father; and [name of guardian ad litem], Esquire, Guardian Ad Litem for the above-referenced child.

By the Court,

J.

(h) Notice of Confirmation Hearing: The notice of the hearing for Confirmation of Consent shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

NOTICE

23 Pa.C.S.A. § 2504(b) and 2513(b)

TO: [Name of Natural Parent],

A petition has been filed asking the court to put an end to all rights you have to your child, [name of adoptee]. The court has set a hearing to consider ending your rights to your child. That hearing will be held at Courtroom No. [Courtroom], the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Pennsylvania, on [date of hearing] at [time of hearing]. Your presence is required at this hearing. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child, and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and the Court may end your rights to your child without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Franklin County Court Administrator
Franklin County Courthouse, 3rd Floor
157 Lincoln Way East
Chambersburg, PA 17201
(717) 261-3848

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Office of the Court Administrator. All arrangements must be made at least 72 hours prior to a hearing or business before the Court. You must attend the scheduled hearing.

[Name of Attorney], Esquire
Attorney for Petitioner

(i) Notice of Involuntary Termination Hearing: The notice of the hearing for Involuntary Termination of Parental Rights shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

NOTICE

23 Pa.C.S.A. § 2513(b)

TO: [Name of Natural Parent]

A petition has been filed asking the Court to put an end to all rights you have to your child, [name of adoptee]. The Court has set a hearing to consider ending your rights to your child. The hearing will be held in the Franklin County Court House, Chambersburg, Franklin County, Pennsylvania, on [date of hearing] at [time of hearing]. If you do not appear at this hearing, the Court may decide that you are not interested in retaining your rights to your child, and your failure to appear may affect the Court's decision on whether to end your rights to your child. You are warned that even if you fail to appear at the scheduled hearing, the hearing will go on without you and the Court may end your rights to your child without you being present. You have a right to be represented at the hearing by a lawyer. You should take this paper to your lawyer at once. If you do not have a lawyer and desire to have one appointed, apply at the office set forth below and one shall be appointed for you.

Franklin County Court Administrator
Franklin County Courthouse, 3rd Floor
157 Lincoln Way East
Chambersburg, PA 17201
(717) 261-3848

The Court of Common Pleas of Franklin County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Office of the Court Administrator. All arrangements must be made at least 72 hours prior to a hearing or business before the Court. You must attend the scheduled hearing.

[Name of Attorney], Esquire
Attorney for Petitioner

(j) *Petition for Leave to Provide Notice by Publication*: The Petition for Leave to Provide Notice by publication as per Pa. O.C. Rule 15.6 shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF : Orphans' Court Division
: :
: :
Born : _____ - ADOPT - _____
: :
: :

PETITION FOR LEAVE TO PROVIDE NOTICE BY PUBLICATION
Pa. O.C. Rule 15.6

To the Honorable, the Judges of said Court:

The petition of [name of petitioner], respectfully represents:

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania] [relation to adoptee], [having its office at] [residing at] [address], Chambersburg, Franklin County, Pennsylvania, has the care and custody of [name of adoptee], a minor [sex of adoptee] child born [date of birth of adoptee], in Franklin County, Pennsylvania. The child was born to [name of natural mother], Mother, and [name of natural father], Father.

2. That your petitioner, [name of petitioner], is the [intermediary] [petitioner] in the above captioned adoption and files this petition under the provisions of Section 2504 of the Adoption Act of 1980, as amended.

3. The mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth]; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. The natural father of [name of adoptee] is [name of natural father], whose current residence is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, having been born on [date of birth], in [place of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto, and his religious affiliation is [religion].

5. Petitioner had made the following efforts to locate [name of natural parent]:

- A) .
- B) .
- C) .
- D) .

6. Despite the above mentioned diligent efforts to locate [name of natural parent], Petitioner[s] [has] [have] been unable to ascertain their whereabouts.

WHEREFORE, your petitioner prays your Honorable Court to enter a decree granting leave to Petitioner[s] to provide notice to [name of natural parent] by Publication pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

AND it will ever pray, etc.

Dated: _____

By, _____
[Name of Attorney], Esquire
Attorney for Petitioner
[Street Address]
[Telephone Number]
Attorney I.D. No.

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(k) *Order Authorizing Service by Publication:* The Order authorizing service by publication as per Pa. O.C. Rule 15.6 shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
: _____ - ADOPT - _____
Born _____ :
: _____

ORDER
Pa. O.C. Rule 15.6

AND NOW, this _____ day of _____, 20____, the within Petition for Leave to Provide Notice by Publication having been presented in Chambers, read, considered and ordered filed, and _____, the _____ day of _____, 20____, at _____ o'clock _____ m., prevailing time, in the assigned Court Room of the Franklin County Courthouse, 157 Lincoln Way East, Chambersburg, Franklin County, Pennsylvania, having been fixed as the time and place of hearing thereon, Petitioner[s] [is] [are] hereby authorized to provide service to by publication in the [name of publication] Newspaper and [name of county] County Legal Journal, pursuant to Pennsylvania Rule of Orphan's Court 15.6(2).

By the Court,

J.

(l) *Decree Involuntarily Terminating Natural Parent's Rights:* The decree terminating the parental rights of a natural parent shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF	:	Orphans' Court Division
	:	
	:	_____ - ADOPT - _____
Born	:	
	:	

DECREE

23 Pa.C.S.A. § 2513(d) and Pa. O.C. Rule 15.4(d)

AND NOW, this ____ th day of _____, 20 ____, the above named matter having been heard in a private hearing on [date of hearing], at [time of hearing], and it appearing to the Court that the facts set forth in the petition are true and correct, and that service of the notice of the foregoing private hearing, together with a copy of the Petition for Involuntary Termination of Parental Rights has been made upon [name of natural mother], Natural Mother; [name of attorney for natural mother], Esquire, Attorney for the Natural Mother; [name of attorney for natural father], Esquire, Attorney for the Natural Father; [name of natural father], Natural Father; and [name of guardian ad litem], Esquire, Guardian Ad Litem for the Child, in the manner required by this Court, and as evidenced by an Affidavit of Service filed in this matter by [name of attorney for petitioner], Attorney for the petitioner, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That your petitioner, [name of petitioner], [an agency for the placement of children approved by the Department of Public Welfare of the Commonwealth of Pennsylvania], [having its office] [residing at] at [address], [county of residence] County, Pennsylvania, has the care and custody pursuant to an Order of Court dated [date of order granting custody] of [name of adoptee], a minor [sex of adoptee] child born [date of birth] in [place of birth] County, Pennsylvania. [Child's name] was born to [mother] and [father].

2. That [child] is a [racial background] [sex of adoptee] child who is [age] years old, having been born on [date of birth] in [county of birth] County, Pennsylvania. Their religious affiliation is [religion].

3. That the mother of [name of adoptee] is [name of natural mother], her address being [street], [city], Pennsylvania, [zip code]; she is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; her race is [racial background], she is currently [un]married, she was [not] married at the time of the birth of the child and during one year prior thereto, and her religious affiliation is [religion].

4. That the natural father of [name of adoptee] is [name of natural father], whose current address is [street], [city], Pennsylvania, [zip code]; he is [age] years of age, having been born on [date of birth]; his race is [racial background], he is currently [un] married, he was [not] married at the time of the birth of the child and during one year prior thereto; and his religious affiliation is [religion].

5. The legal grounds for the involuntary termination of the parental rights of [name of natural parent] are as follows:

a) 23 Pa.C.S. § 2511 (a)(1)- The parent by conduct continuing for a period of at least six months immediately preceding the filing of the Petition either has evidenced a settled purpose of relinquishing parental claim to the child or has refused or failed to perform parental duties.

b) 23 Pa.C.S. § 2511 (a)(2)- The repeated and continued incapacity, abuse, neglect or refusal of the parent has caused the child to be without essential parental care, control or subsistence necessary for his physical or mental well-being and the conditions and causes of the incapacity, abuse, neglect or refusal cannot or will not be remedied by the parent.

c) 23 Pa.C.S. § 2511 (a)(3)- The parent is the presumptive but not the natural father of the child.

d) 23 Pa.C.S. § 2511 (a)(4)- The child is in the custody of an agency, having been found under such circumstances that the identity or whereabouts of the parent is unknown and cannot be ascertained by diligent search and the parent does not claim the child within three months after the child is found.

e) 23 Pa.C.S. § 2511 (a)(5)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency for a period of at least six months, the conditions which led to the removal or placement of the child continue to exist, the parent cannot or will not remedy those conditions within a reasonable period of time, the services or assistance reasonably available to the parent are not likely to remedy the conditions which led to the removal or placement of the child within a reasonable period of time and termination of the parental rights would best serve the needs and welfare of the child.

f) 23 Pa.C.S. § 2511 (a)(6)- In the case of a newborn child, the parent knows or has reason to know of the child's birth, does not reside with the child, has not married the child's other parent, has failed for a period of four months immediately preceding the filing of the petition to make reasonable efforts to maintain substantial and continuing contact with the child and has failed during the same four-month period to provide substantial financial support for the child.

g) 23 Pa.C.S. § 2511 (a)(7)- The parent is the father of a child who was conceived as a result of a rape or incest.

h) 23 Pa.C.S. § 2511 (a)(8)- The child has been removed from the care of the parent by the court or under a voluntary agreement with an agency, 12 months or more have elapsed from the date of removal or placement, the conditions which led to the removal or placement of the child continue to exist and termination of parental rights would best serve the needs and welfare of the child.

i) The parent has been convicted of one of the following in which the victim was a child of the parent:

1. An offense under 18 Pa.C.S. Ch. 25 (relating to criminal homicide);
2. A felony under 18 Pa.C.S. § 2702 (relating to aggravated assault);
3. An offense on another jurisdiction equivalent to an offense in subparagraph (1) or (2); or
4. An attempt, solicitation or conspiracy to commit an offense in subparagraph (1), (2), or (3).
6. The facts which support said grounds for termination are as follows:
 - a)
 - b)
 - c)

7. [Name of natural parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003. (50 U.S.C. App. 501 et seq.).

8. The child is/is not an "Indian Child" subject to the protections of the Indian Child Welfare Act.

9. [Agency name] [parent's name] consents to accept custody of [name of adoptee] until such time as the child is adopted.

10. Notices required per Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) have been served on both parents and the child as evidenced by the Affidavit of Service filed in this matter.

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the parties and the subject matter under 23 Pa.C.S.A. Section 2501 et seq.
2. The prayer of the petition should be granted, all requirements of the applicable statute having been complied with.
3. The Court finds by clear and convincing evidence the existence of valid grounds to involuntarily terminate the parental rights of [name of natural parent] pursuant to the following statutory authority:
 - (a) [TPR sections set forth above]

NOW, THEREFORE, IT IS ORDERED AND DECREED THAT:

(1) The parental rights and duties of the [name of natural parent], Natural [Mother/Father] of [name of adoptee], are hereby terminated, and

(2) Custody of [name of adoptee] is awarded to [Agency] [parent] under the provisions of Section 2521 of the Adoption Act, and

(3) [Mother Name] and [Father Name] [are/is] hereby advised pursuant to Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) that [she/he/they] [have/has] a continuing right as [a] parent(s) to voluntarily place on file and update social and medical history information, whether or not the medical condition is in existence or discoverable at the time of the present adoption. The information you choose to provide could be important to the child's present and future medical needs. Requests to release the information will be honored if certain conditions set forth by Act 101 are met. All information will be maintained and distributed in a manner that fully protects your privacy. [Mother Name] and [Father Name] [are/is] further advised that [she/he/they] may obtain the appropriate form to file social and medical history information, either now or in the future, by contacting the Pennsylvania Adoption Information Registry (PAIR), Franklin County Children and Youth Service, any private licensed adoption agency, Franklin County Clerk of Orphan's Court Office, or it may be found online.

(4) [Name of natural parent] is hereby advised that they have the right to appeal this Order of Court within thirty days of its entry. Notice of such appeal shall be provided in accordance with the Pennsylvania Rules of Appellate Procedure.

(5) The Clerk of Orphan's Court is hereby directed to provide this Order to the following by First Class Mail and to note date of mailing in the adoption file:

- a.
- b.
- c.
- d.

By the Court,

J.

(m) *Decree Confirming Consent*: The decree confirming a consent to adoption shall be substantially in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

DECREE

23 Pa.C.S.A. § 2504(b)

AND NOW, this ____ th day of _____, 20__ , the above named matter having been heard in a private hearing on [date of hearing], at [time of hearing] o'clock [a/p].m. and it appearing to the Court that: the facts set forth in the petition are true and correct, and that notice of the foregoing private hearing, together with a copy of the petition for the Confirmation of Consent has been given to in the manner required by this Court; and [name(s) of petitioner(s)], petitioner(s), has filed a petition and consented to accept custody of said child until such time as the child is adopted; and the prayer of the petition should be granted and all requirements of the applicable statutes have been complied with;

NOW, THEREFORE, IT IS ORDERED AND DECREED, that

- 1. The consent executed by [name of consenting parent] is hereby confirmed;
2. The parental rights and duties of [name of consenting parent] are hereby terminated;
3. Custody of [name of adoptee] is awarded to [petitioner], under the provisions of Section 2521 of the Adoption Act;
4. The adoption of [name of adoptee] may proceed without further notice to or consent from
5. [Name of consenting parent] is not entitled to the benefits of the Servicemembers Civil Relief Act of 2003. (50 U.S.C. App. 501 et seq.).
6. The child is/is not an "Indian Child" subject to the protections of the Indian Child Welfare Act.
7. [Mother Name] and [Father Name] [are/is] hereby advised pursuant to Act 101 of 2010 (23 Pa.C.S. §§ 2731—2742) that [she/he/they] [have/has] a continuing right as [a] parent(s) to voluntarily place on file and update social and medical history information, whether or not the medical condition is in existence or discoverable at the time of the present adoption.
8. [Mother Name] and [Father Name] [are/is] hereby advised that [they/he/she] [have/has] the right to appeal this Order of Court within thirty days of its entry.
9. This Order shall be mailed by the Clerk of Orphans' Court by first class mail with date of mailing being documented to the following:
a)
b)
c)

By the Court,

J.

(n) Report of Intention to Adopt: The report of intention to adopt described in 23 Pa.C.S.A. § 2531(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

REPORT OF INTENTION TO ADOPT
23 Pa.C.S.A. § 2531(b)

(To be filed by every person now having or hereafter receiving or retaining custody or physical care of any child, for the purpose or with the intention of adopting a child under the age of eighteen years within thirty days after the date of receipt of the custody or physical care of the child. No report shall be required when the child is the child, grandchild, stepchild, brother or sister of the whole or half blood, or niece or nephew by blood, marriage, or adoption, of the person receiving or retaining custody or physical care.)

Part A.

(To be completed by persons having or receiving a child from an Agency.)

- 1. The name and address of Agency is [name and address of Agency].

Part B.

(To be completed by persons having or receiving a child from an intermediary other than an Agency.)

- 1. Child is [name of adoptee], a [racial heritage] [male] [female] child, who is [age] years of age, having been born [date of birth] in [place of birth], whose religious affiliation is [religion].
2. The name and address of intermediary is [name and address of intermediary].

Part C.

(To be completed by all persons required to file report.)

- 1. The circumstances surrounding the placement or receipt of physical care of the child are as follows:
A) Date of completion of Pre-placement Investigation (Copy attached hereto):
B) Date when [I] [we] first applied to the agency was:
C) The reason this particular child was placed with [me] [us] is:
D) The length of time [I] [we] have known the child or about the child is:
E) [I] [We] [do] [do not] know the natural parents or their families.
F) The date the child was placed in [my] [our] home is:
2. A) There [was] [was not] any fee or expenses paid or to be paid to the Intermediary or other persons.
B) If there was fees paid or to be paid above, the following is an itemized accounting of the moneys or other consideration paid or to be paid, and to whom:

\$ to for .
to for .

- 3. A) To the best of [my] [our] knowledge and beliefs, the natural parents whose parental rights were terminated [have] [have not] received counseling.
B) If counseling has been received, it was received on [date] by [counselor] whose address is [address of office].

[I] [We] acknowledge that we have been advised or know that the natural parent(s) may revoke their consent to the adoption within thirty days of the date of execution of the consent.

Signed this _____ day of _____, 20 ____ .

Petitioner

Petitioner

(o) Report of Intermediary: The report of intermediary required under 23 Pa.C.S.A. § 2533(b) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
:
: _____ - ADOPT - _____
Born :
:

REPORT OF INTERMEDIARY
23 Pa.C.S.A. § 2533(b)

(To be filed by Intermediary who or which arranged the adoption placement of any child under the age of eighteen years within six months after filing a Report of Intention to Adopt.)

- 1. The name and address of Intermediary is [name and address of intermediary].
2. Adoptee is [name of adoptee], a [racial heritage] [male] [female] child who is [age] years of age, having been born on [date of birth] in [place of birth], whose religious affiliation is [religion].

- 3. Adoptee was placed with adopting parents on [date of placement].
- 4. The Natural Mother of Adoptee is [name of natural mother], a [racial heritage] female, who is [age] years of age, having been born on [date of birth] in [place of birth], she was [married] [unmarried] at the time of adoptee's birth, and was [married] [unmarried] within one year prior to adoptee's date of birth, and whose religious affiliation is [religion].
- 5. The Natural Father of Adoptee is [name of natural father], a [racial heritage] male, who is [age] years of age, having been born on [date of birth] in [place of birth], he was [married] [unmarried] at the time of adoptee's birth, and was [married] [unmarried] within one year prior to adoptee's date of birth, and whose religious affiliation is [religion].
- 6. Parental rights were terminated by [identify court] by decree dated [date of termination decree], docketed to [docket number] and custody was awarded to [name of adopting parents/Agency].

7. A) To the best of [my] [our] knowledge and beliefs, the natural parents whose parental rights were terminated [have] [have not] received counseling.

B) If counseling has been received, it was received on [date] by [counselor] whose address is [office address].

C) If no decree of termination and/or relinquishment was entered, the residence and mailing addresses of the natural parent(s) [is] [are]:

Mother:

Father:

8. A) The exhibits required by Section 2534 of the Adoption Act are attached.

B) Consents required by Section 2711 of the Adoption Act are attached as exhibits.

C) Consents are not required under Sections 2713, 2714, and 2711 of the Adoption Act because:

9. [No] [The following] moneys or consideration has been or will be paid or received by the Intermediary or to or by any other person or persons to the knowledge of the Intermediary by reason of the adoption placement.

\$ to for .

10. The child owns or possesses the following described and valued property:

11. No provision of any act regulating the interstate placement of children has been violated with respect to the placement of the Adoptee.

12. [If applicable] A birth certificate or registration of birth cannot be obtained for the following reasons:

13. Written notice of the filing of this Report and the date of the same will be given to the adopting parent(s) forthwith.

14. Medical information as defined in Section 2102 of the Adoption Act was obtained, and if not obtained the reason therefore is:

Signed this ____ day of _____, 20 ____ .

Signature of Intermediary or Authorized Officer

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)

Title: _____

My commission expires: _____

I maintain my office in: _____

(p) *Petition for Adoption*: The petition for adoption in 23 Pa.C.S.A. § 2701 and Pa. O.C. Rule 15.5 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

PETITION FOR ADOPTION

23 Pa.C.S.A. § 2701 and Pa. O.C. Rule 15.5

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The petition of _____ respectfully represents:

I.

Your petitioner(s) (is) (are):

A. [Name of petitioner] residing at [residence and mailing address] who is (married) (single) and [age] years of age, having been born on [date of birth] and whose occupation is [occupation] religious affiliation is [religion], racial background is [racial heritage] and relationship to the proposed adoptee is [nature of relationship];

B. [Name of petitioner] residing at [residence and mailing address] who is (married) (single) and [age] years of age, having been born on [date of birth] and whose occupation is [occupation] religious affiliation is [religion], racial background is [racial heritage] and relationship to the proposed adoptee is [nature of relationship];

II.

A. The report of Intention to Adopt under Section 2533 (has) (has not) been filed.

B. The report of the intermediary under Section 2533 (has) (has not) been filed; however, in lieu thereof, Exhibit A is attached hereto.

III.

The name and address of the intermediary is:

IV.

Your petitioner(s) desire(s) to adopt [name of adoptee] who was born on [date of birth] and who has resided with your petitioner(s) since [date of placement] as one of (her)(his)(their) heirs and declare(s) that (she)(he)(they) will perform all of the duties of parent(s) to said adoptee.

V.

A. Exhibits required by Section 2702 of the Adoption Act are attached.

B. Consents required by Section 2711 of the Adoption Act are attached as exhibits.

C. Consents are not required under Sections 2713, 2714 and 2711 of the Adoption Act by reason of (state facts):

D. Notices required by Act 101 of 2010 (23 Pa.C.S. § 2731—2742) have been provided to the birth parents, the adoptive parents, and the child, and are attached as Exhibit [exhibit number].

E. Exhibit containing vital statistics is attached as Exhibit [exhibit number].

VI.

(Strike out if not applicable) A birth certificate or certificate of registration of birth cannot be obtained for the adoptee and the petitioner would request that the Court establish a time and place of birth for said adoptee at the adoption hearing on the basis of the evidence presented. (Set forth reasons for failure to obtain a birth certificate or certificate of registration of birth and the efforts made to so obtain those documents):

VII.

That your petitioner(s) believing that the welfare of said adoptee will be promoted by said adoption, desire(s) that the relationship of parent and child be established between [names of petitioners] and the adoptee, and the adoptee shall be known as [new full name of child]; and (she)(he)(they) respectfully pray(s) that the Court make a decree in accordance with this prayer.

- Petitioner

- Petitioner

STATE OF _____
COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)
Title: _____
My commission expires: _____
I maintain my office in: _____

(q) *Exhibit "A"*: Exhibit "A" of the adoption petition in (p) above shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born _____ : _____ - ADOPT - _____
: _____
: _____

EXHIBIT A

1. Name and Address of Intermediary:
2. Adoptee, [name of adoptee], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania, whose racial background is [racial heritage], and religious affiliation is [religion].
3. Adoptee was placed with adopting parent(s) on [date of placement].
4. The natural parent(s) of adoptee is/are:
 - a. Mother: [name], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; their racial background is [racial heritage]; they were [married] [single] at the time of the adoptee's birth and were [married] [single] within one year prior to the birth of Adoptee; and their religious affiliation is [religion].
 - b. Father: [name], is [age] years of age, having been born on [date of birth], in [place of birth], Pennsylvania; their racial background is [racial heritage]; they were [married] [single] at the time of the Adoptee's birth and were [married] [single] within one year prior to the birth of the Adoptee; and their religious affiliation is [religion].
5. A. Parental rights and duties were terminated and/or relinquished by [Court where terminated] by decree dated [date of termination decree], docketed to [docket number], and custody was awarded to [name of petitioners/Agency].
 B. If no decree of termination or relinquishment has been entered, the residence and mailing addresses of the natural parents(s) [is] [are]:
 - 1) Mother:
 - 2) Father:
6. A. Exhibits required by Section 2543 of the Adoption Act are attached.
 B. Consents required by Section 2711 of the Adoption Act are attached as exhibits.
 C. Consents are not required under Sections 2713, 2714, and 2711 of the Adoption Act for the following reasons:
7. [No] [The following] moneys or consideration have been or will be paid or received by the intermediary or to or by any other person or persons to the knowledge of the intermediary by reason of the adoption placement.
 - a)
 - b)
8. State value and describe all property owned or possessed by Adoptee:

9. No provisions of any act regulating interstate placement of children have been violated with respect to the placement of the Adoptee.

10. [Strike if not applicable] A birth certificate or registration of birth cannot be obtained for the following reasons:

11. Written notice of the filing of this report and the date of the same will be given to the adopting parent(s) forthwith.

12. Medical history information as defined in Section 2102 of the Adoption Act was obtained, and if not obtained, the reason therefore is as follows:

Signed this ____ day of _____, 20 ____ .

Petitioner

Petitioner

STATE OF _____

COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

(signature of notary public)

[Seal]

Title: _____

My commission expires: _____

I maintain my office in: _____

(r) *Vital Statistics Exhibit*: The vital statistics exhibit of the adoption petition in (p) above shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF

: Orphans' Court Division

:

: _____ - ADOPT - _____

Born

:

ADOPTION VITAL STATISTICS EXHIBIT

1. Adoptee, [name of adoptee] is a [male] [female], who is [age] years of age, having been born on [date of birth], in [place of birth], [county of birth] County, [state], United States.

2. The new name proposed for Adoptee is [new name of adoptee].

3. The Adoptive Father's full name is [name of adopting father]; he is [racial heritage]; his age at the time of birth of Adoptee was [age], having been born on [date of birth], in [place of birth]; and his usual occupation is [occupation], the industry or business being [nature of employment].

4. The Adoptive Mother's full maiden name is [maiden name of adopting mother]; she is [racial heritage]; her age at the time of birth of Adoptee was [age], having been born on [date of birth], in [place of birth]; and her usual occupation is [occupation], he industry or business being [nature of employment].

5. The Adoptive Parents mailing address at the time of the adoption is [address].

6. The attorney handling the adoption is [name of adopting parents attorney], Esquire, whose mailing address is [address].

(s) *Disclosure of Fees*: The disclosure of fees statement as required in 23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a) shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

DISCLOSURE OF FEES AND COSTS
23 Pa.C.S.A. §§ 2533(b)(8) and 2724(a)

- \$ Clerk of Courts, Filing fees
Notary Fees
Attorney Fees
Vital Statistics, birth certificate
Home Study
Agency Fees
Doctor Fees (Mother)
Doctor Fees (Baby)
Hospital Fees (Mother)
Hospital Fees (Baby)
Prescription Medications
Other-

\$ Total

[I] [We] certify that the above itemization of fees and costs paid by [name of petitioners], in connection with the above captioned adoption is accurate and complete to the best of my knowledge, information and belief. Signed this ____ day of _____, 20 ____ .

Petitioner _____ Petitioner _____

(t) Adoption Decree: The adoption decree as required in 23 Pa.C.S.A. § 2902 shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA - FRANKLIN COUNTY BRANCH

IN RE: ADOPTION OF : Orphans' Court Division
Born : _____ - ADOPT - _____

DECREE

23 Pa.C.S.A. § 2902

AND NOW, this ____ day of _____, 20 ____, it appearing that the statements set forth in the Petition for Adoption filed and docketed in this matter are true, and that the welfare of the person proposed to be adopted will be promoted by such adoption, and that all requirements of the adoption law of Pennsylvania have been complied with,

IT IS HEREBY ORDERED AND DECREED that the adoption is granted and that the person proposed to be adopted by the petitioners, [name of petitioner] and [name of petitioner], shall have all the rights of a child and heir of said petitioners, and shall be subject to the duties of such child, and henceforth shall be known as [new name of adoptee].

BY THE COURT,

_____ J.

COMMONWEALTH OF PENNA . :
COUNTY OF (FRANKLIN)(FULTON) : ss.

I, _____, Clerk of Orphans' Court Division of the Court of Common Pleas of the 39th Judicial District, Pennsylvania, (Franklin) (Fulton) County Branch, do hereby certify that the foregoing is a full, true and correct copy of a Decree of Adoption by the petitioners therein named as the same remains on file and of record in this office.

IN TESTIMONY WHEREOF, I have hereunto set
My hand and affixed the seal of _____
The said office this ____ day of _____, 200__ .

Clerk, Orphans' Court Division,
Court of Common Pleas of the 39th Judicial District,
Pennsylvania, (Franklin)(Fulton) County Branch

(u) *Acceptance of Service*: The acceptance of service as described in 23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa. O.C. Rule 15.6; Pa. R.C.P. 402(b) shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born : _____ - ADOPT - _____
: _____
: _____

ACCEPTANCE OF SERVICE

23 Pa.C.S.A. §§ 2503(a), 2513(b), 2721; Pa. O.C. Rule 15.6; Pa. R.C.P. 402(b)

I, [name of attorney], Esquire, counsel for [client name and relationship to adoptee], certify that I am authorized to accept service on behalf of and hereby accept service of the Petition to Involuntarily Terminate Parental Rights/Petition for Confirmation of Consent/Petition for Termination of Parental Rights/ Adoption Petition and the Order scheduling a hearing in the above-captioned matter.

Date

(v) *Affidavit of Service*: The affidavit of service shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF _____ : Orphans' Court Division
: _____
Born : _____ - ADOPT - _____
: _____
: _____

AFFIDAVIT OF SERVICE

STATE OF PENNSYLVANIA :
: ss.
COUNTY OF FRANKLIN :

[Name of attorney], Esquire, being duly sworn according to law, deposes and says that he/she served copies of the attached Notice of Hearing, copies of the petitions filed in this matter, and Order scheduling hearing on the following:

- (1) [Name of attorney], Esquire, Guardian ad Litem for the child(ren), at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned;
- (2) [Name of attorney], Esquire, Attorney for Natural Mother, [name of natural mother], at [address] on [date] as evidenced by an Acceptance of Service;
- (3) [Name of natural mother], Natural Mother, at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned; and
- (4) [Name of natural father], Natural Father, at [address] on [date] by First Class Mail, as evidenced by the Return Receipt attached and made a part hereof, and said article has not been returned.

The Notice required by Act 101 of 2010 was also served on [Mother]. [Father], [Child].

[Name of attorney], Esquire- Attorney for Petitioner

STATE OF _____
COUNTY OF _____

Personally appeared before me, a notary public, [Name of Petitioners], known to me (or satisfactorily proven) to be the Petitioner(s) herein, who being duly sworn/affirmed according to law, deposes and says the facts set forth in the foregoing are true and correct according to the best of the Petitioner(s) information, knowledge and belief.

Sworn/affirmed and subscribed before me this _____ day of _____, 20 _____, before me, _____, the undersigned officer.

In witness whereof, I hereunto set my hand and official seal.

[Seal]

(signature of notary public)

Title: _____

My commission expires: _____

I maintain my office in: _____

(w) Act 101 of 2010 Notice: The Notice required under Act 101 of 2010 shall be in substantially the following form:

**IN THE COURT OF COMMON PLEAS OF THE 39TH JUDICIAL DISTRICT OF PENNSYLVANIA -
FRANKLIN COUNTY BRANCH**

IN RE: ADOPTION OF

: Orphans' Court Division

:

:

:

:

Born

_____ - ADOPT - _____

NOTICE REQUIRED BY ACT 101 OF 2010
23 Pa.C.S. §§ 2731—2742

Date:

To:

This is to inform you of an important option that may be available to you under Pennsylvania law. Act 101 of 2010 allows for an enforceable voluntary agreement for continuing contact or communication following an adoption between an adoptive parent, a child, a birth parent, and/or a birth relative of the child, if all parties agree and the voluntary agreement is approved by the court. The agreement must be signed and approved by the court to be legally binding.

A birth relative is defined only as a parent, grandparent, stepparent, sibling, uncle or aunt of the child's birth family, whether the relationship is by blood, marriage, or adoption.

This voluntary agreement may allow you to have continuing contact or communication, including, but not limited to:

- Letters and/or e-mails;
- Photos and/or videos;
- Telephone calls and/or text messages; or
- Supervised or unsupervised visits.

If you are interested in learning more about this option for a voluntary agreement, you may contact an attorney of your choice.

Sincerely,

[Name of attorney], Esquire
Counsel for [name of client]

[Pa.B. Doc. No. 12-1041. Filed for public inspection June 8, 2012, 9:00 a.m.]

LEHIGH COUNTY

**Expungement upon Successful Completion of ARD
Pursuant to Leh. R. Crim. P. 320; AD-4-2012**

Administrative Order

And Now, this 22nd day of May, 2012, *It Is Hereby Ordered* that Lehigh Rule of Criminal Procedure 320 Expungement Upon Successful Completion of ARD, following hereto, is adopted and shall become effective 30 days after publication in the *Pennsylvania Bulletin*;

It Is Further Ordered That one (1) certified copy of this Order shall be filed by the Court Administrator of Lehigh County with the Administrative Office of the Pennsylvania Courts; that two (2) certified copies and a CD-ROM copy that complies with the requirement of Pa. Code § 13.11(b) shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that

one (1) certified copy shall be file with the Criminal Procedure Rules Committee, which Committee has certified to this court that this Administrative Order is not inconsistent with any general rule of the Supreme Court. Finally, it is ordered that the Court Administrator of Lehigh County publish a copy of this Order on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

By the Court

CAROL K. MCGINLEY,
President Judge

**Leh. R. Cr. P. 320. Expungement Upon Successful
Completion of ARD.**

1. The following procedure is to be effective for both DUI and Non-DUI criminal cases;
2. Criminal defendants accepted into the ARD Program will be charged appropriate fees to cover expungment

which *shall* take place upon successful completion of the Program;

3. Expungement fees collected are in *addition* to any and all other applicable costs, fees and restitution assessed as part of the ARD Program;

4. At the expiration of the designated supervision period, the Adult Probation department will determine all those defendants who have successfully completed the ARD Program and whose cases shall be closed for supervision;

5. Successful completion includes full payment of all costs and restitution;

6. All ARD case closures will be reported to the Clerk of Judicial Records—Criminal Division who will forward a list of the successful completions to the Office of the District Attorney;

7. The District Attorney shall review the list of successful completions and may object to the expungment of the records of any particular defendant;

8. Such objection must be filed in a petition with proper service to all parties and a hearing shall be scheduled before the Court;

9. Once reviewed and approved by the District Attorney, the Clerk of Judicial Records—Criminal Division shall prepare Orders of Dismissal and Expungement to be signed by the Court;

10. Records will *not* be expunged for those defendants whose cases have been closed for supervision but who have not successfully completed all conditions;

11. Expungement fees collected from those defendants who do not successfully complete the ARD Program and, therefore, are not entitled to expungement will be refunded;

12. Upon satisfactory completion of all outstanding conditions subsequent to case closure, a defendant may petition the Court for dismissal of charges and expungement upon payment of the appropriate filing fee; *pro se* petitions may be obtained online at *lccpa.org* or in the office of the Court Administrator and the Clerk of Judicial Records—Criminal Division;

13. Expungement after successful completion of ARD is expressly prohibited for certain offenses specifically delineated in 18 Pa.C.S.A. § 9122(b.1) and will not be granted.

Note: This Rule was adopted by an Administrative Order dated May 22, 2012 and published in the *Pennsylvania Bulletin*, and became effective 30 days from the date of publication.

[Pa.B. Doc. No. 12-1042. Filed for public inspection June 8, 2012, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 51]

Office of Developmental Programs Home and Community-Based Services

The Department of Public Welfare (Department) adds Chapter 51 (relating to Office of Developmental Programs home and community-based services) to read as set forth in Annex A under the authority of sections 201(2), 403(b) and 403.1 of the Public Welfare Code (code) (62 P. S. §§ 201(2), 403(b) and 403.1), as amended by the act of June 30, 2011 (P. L. 89, No. 22) (Act 22).

Omission of Proposed Rulemaking

On July 1, 2011, the General Assembly enacted Act 22, which amended the code. Act 22 added several new provisions to the code, including section 403.1. Section 403.1(a)(4) and (6), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(v)), known as the Commonwealth Documents Law (CDL), to establish or revise provider payment rates or fee schedules, reimbursement models and payment methodologies for particular services and to establish provider qualifications. Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants and benefits. The Medical Assistance (MA) Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits. In addition, to ensure the Department's expenditures for State Fiscal Year (FY) 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P. S. §§ 745.1—745.12), section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

The Department is adding Chapter 51 in accordance with section 403.1 of the code because this final-omitted rulemaking establishes payment rates, fee schedules, payment methodologies and provider qualifications. This final-omitted rulemaking applies to providers participating in the Adult Autism, Consolidated and Person/Family Directed Support Home and Community-Based Services (HCBS) waiver programs, as well as providers of targeted services management.

Purpose

The purpose of this final-omitted rulemaking is to help bring expenditures for State FY 2011-2012 within the aggregate amount appropriated for HCBS programs by the General Appropriations Act of 2011.

Background

The Secretary of the United States Department of Health and Human Services is authorized under 42 CFR 441.302 (relating to state assurances) to waive certain Medicaid statutory requirements. These waivers enable states to cover a broad array of HCBS for targeted populations as an alternative to institutionalization. The Office of Developmental Programs (ODP) operates three HCBS waiver programs: Adult Autism; Consolidated; and Person/Family Directed Support. These waiver programs

have grown 141% in the past 11 years. The cost of these programs has also increased from \$752 million in FY 2000 to \$1.81 billion in FY 2011.

Beginning in 2009, the Department began implementation of a Statewide rate-setting system for ODP-administered waiver programs to establish provider payment rates consistently across this Commonwealth, ensure program integrity and further promote efficient use of Federal and State resources. To further provide clarity regarding program requirements and to improve the cost-effectiveness of these programs, the Department is promulgating this final-omitted rulemaking. The promulgation of this final-omitted rulemaking will enable the Commonwealth to efficiently use Federal funding for HCBS programs and will ensure that the Department's expenditures for State FY 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly.

This final-omitted rulemaking focuses on establishing payment methodologies for HCBS that are efficient and economical and establishes provider qualifications to ensure the quality of care being rendered by providers applying for and rendering MA HCBS and providers of targeted services management. This chapter supersedes Chapters 4300 and 6200 (relating to county mental health and mental retardation fiscal manual; and room and board charges) when a provider provides an HCBS to both waiver and base-funded participants from a waiver service location.

Requirements

The following is a summary of the major provisions of the final-omitted rulemaking.

§ 51.4. Incorporation by reference

This section incorporates by reference the approved applicable waivers, including future approved waiver amendments. The approved applicable Consolidated and Person/Family Directed Support Federal waivers can be found on the Department's web site at <http://www.dpw.state.pa.us/dpworganization/officeofdevelopmentalprograms/index.htm>.

The approved applicable Adult Autism Waiver can be found on the Department's web site at http://www.dpw.state.pa.us/ucmprd/groups/webcontent/documents/document/p_011923.pdf.

§ 51.11. Prerequisites for participation

This section provides provider enrollment requirements to verify providers are qualified to provide a service. A provider is required to complete an MA application and sign an MA provider agreement and an HCBS waiver provider agreement. A provider is also required to complete the provider enrollment application and submit supporting qualification documents to the Department or the Department's designee. In addition, a provider is required to comply with the approved applicable waiver, including future approved waiver amendments.

§ 51.13. Ongoing responsibilities of providers

This section provides the ongoing requirements for providers, including qualification and training requirements. A provider is required to be qualified at least every 2 years or more frequently as required by the approved waiver. A provider that fails to submit qualification documentation is precluded from receiving payment under the MA Program.

§ 51.15. *Provider records*

This section establishes standards for certification that the services or items for which the provider claims payment were provided and that information submitted in support of the claim is accurate and complete.

§ 51.23. *Provider training*

This section requires a provider to ensure that employees providing HCBS have met the training requirements based on participant needs as specified in a participant's Individual Service Plan (ISP). In addition, providers are required to implement a standard annual training on various topics, including meeting each participant's needs related to communication, mobility, behavior interventions, prevention of abuse, reporting and investigating incidents, participant grievance resolution, and billing and documentation of service delivery.

§ 51.25. *Quality management*

This section requires a provider to create, implement and update a quality management plan as required by the approved applicable waiver. The plan must detail how the provider will measure, remediate and improve its performance in accordance with criteria to be established by the Department.

§ 51.31. *Transition of participants*

This section requires a provider to send written notification to each participant, the Department, a licensing or certifying entity and the Supports Coordinator 30 calendar days prior to transitioning a participant to another provider when the provider is no longer willing to provide an HCBS. A provider is also required to send the Department a copy of the notification sent to a participant.

§ 51.32. *Back-up plans*

This section requires a provider to have a back-up plan as required by the approved applicable waiver. The back-up plan is necessary for HCBS to be implemented as authorized in a participant's ISP.

§ 51.43. *Department rates and HCBS classification*

§ 51.44. *Payment policies*

Section 51.43 provides that an HCBS will be paid under one of four categories: (1) the MA fee schedule; (2) a vendor good and service charge; (3) a cost-based rate; or (4) a Department-established fee. Section 51.44 provides the Department's payment policies regarding HCBS. The Department will only pay for compensable HCBS in the amount, duration and frequency listed on a participant's approved ISP.

§ 51.46. *Audit requirements*

This section requires a provider to comply with audit standards and to retain books, records and documents for audit and inspection.

§ 51.52. *Fee schedule rate*

§ 51.53. *Fee schedule rate reimbursement*

§ 51.62. *Vendor goods and services reimbursement*

§ 51.72. *Cost-based rate assignment*

§ 51.131. *Department-established fees*

These sections identify the services and payment methodology for which HCBS will be reimbursed. The MA fee schedule reimbursement payment methodology includes a review of the HCBS service definitions and a determination of allowable cost components which reflect costs that are reasonable, necessary and related to the delivery of

the service. The Department will publish the fee schedule rates under the MA Program fee schedule as a notice in the *Pennsylvania Bulletin*.

A limited number of goods and services are reimbursed at the actual cost. The Department will publish the list of these vendor goods and services as a notice in the *Pennsylvania Bulletin*.

The cost-based rate methodology is based on cost report data submitted by providers and approved in a desk review process. The Department will identify changes in HCBS being classified as a cost-based service by publishing a notice in the *Pennsylvania Bulletin*.

Under § 51.131, the Department will establish a fee for the portion of payment for residential habilitation HCBS which is ineligible for Federal reimbursement. The Department uses State-only funds to make this fee payment. The Department will publish the fee as a notice in the *Pennsylvania Bulletin*.

§ 51.81. *Allowable costs*

This section sets forth the parameters that must be met prior to a cost being considered an allowable cost under the cost-based rate-setting methodology. Costs must be documented, conform to the limitations in the approved applicable waiver and relate to the provision of an HCBS.

§ 51.152. *Termination of provider agreement*

§ 51.153. *Sanctions*

These sections set forth provider sanctions in the event of noncompliance with the regulations. Sanctions include the following: withholding or disallowing all or a portion of future payments; suspending payment or future payment pending compliance; and recouping payments for services the provider cannot verify as being provided in the amount, duration and frequency billed.

Affected Individuals and Organizations

The final-omitted rulemaking affects providers who deliver HCBS through the Adult Autism, Consolidated and Person/Family Directed Support HCBS programs. This final-omitted rulemaking also applies to providers of targeted services management.

Accomplishments and Benefits

The Department is implementing cost savings to ensure that the expenditures for State FY 2011-2012 for assistance programs administered by the Department do not exceed the aggregate amount appropriated for the program by the General Appropriations Act of 2011. This final-omitted rulemaking also provides the Department with authority to enforce provisions of its HCBS programs, specifies the payment provisions for waiver services and establishes provider qualifications and monitoring requirements.

Fiscal Impact

The Commonwealth will realize an estimated savings of \$8.028 million in State funds in FY 2011-2012 with implementation of this final-omitted rulemaking.

Paperwork Requirements

There are new paperwork requirements under the final-omitted rulemaking. However, there is not a reasonable alternative to this increased paperwork. The final-omitted rulemaking contains the paperwork requirements for providers to apply for enrollment in the MA Program to deliver a waiver service. In addition, providers who do not meet the provisions of the regulations are required to

create a corrective action plan to demonstrate how the provider will remediate the areas of noncompliance.

Public Process

The Department published advance notice at 42 Pa.B. 1006 (February 18, 2012) announcing its intent to adopt regulations regarding HCBS provider payment rates, fee schedules, reimbursement models, payment methodologies and provider qualifications. The Department invited interested persons to comment. In addition, the Department discussed the payment rates and methodologies with the Medical Assistance Advisory Committee at the February 23, 2012, meeting.

The Department also posted a draft regulation on the Department's web site on February 24, 2012, with a 15-day comment period. The Department again invited interested persons to submit written comments regarding the regulations to the Department. The Department received over 1,000 individual comments from 260 commentators. The Department also discussed the Act 22 regulations and responded to questions at the House Health Committee hearing on March 8, 2012.

The Department carefully considered the comments received in response to the draft regulations.

Discussion of Comments

Following is a summary of the major comments received within the public comment period and the Department's response to the comments.

Comment

Several commentators stated that the Department did not allow sufficient time for review and comment on the regulations. In addition, commentators requested the public comment period be extended an additional 30 days due to the policy changes and the volume of regulations.

Response

The Department engaged in a transparent public process through which the Department solicited and received numerous comments and input from stakeholders and other interested parties.

As previously mentioned, the Department published advance public notice at 42 Pa.B. 1006 announcing its intent to adopt regulations regarding HCBS provider payment rates, fee schedules, reimbursement models, payment methodologies and provider qualifications. The Department invited interested persons to comment. The Department also posted the draft regulations on the Department's web site on February 24, 2012. The Department again invited interested persons to submit written comments, on or before March 9, 2012, regarding the regulations to the Department. As a final-omitted rule-making under Act 22, the Department was not required to have a public comment process. However, to encourage transparency and public input, the Department provided an opportunity for comment by publishing the notice and posting the draft regulations on the Department's web site. This public comment process provided sufficient opportunity for interested parties to submit comments, as supported by the number of comments that were submitted.

§ 51.14. Residential habilitation service providers

Comment

Several commentators objected to these new provider qualification requirements on the basis that changes in existing residential habilitation service locations and the

establishment of new residential habilitation service locations will require a provider to receive prior approval from the Department.

Response

The Department is not revising the language in this section as the requirement is based on standards provided in the approved applicable waivers.

§ 51.20. Criminal history checks

Comment

Commentators suggested that criminal history checks for "contracted" personnel would be a new requirement, is overly burdensome and should be revised to apply to staff who work directly with participants.

Response

The Department concurs and revised the regulation accordingly.

§ 51.23. Provider training

Comment

Eighteen commentators suggested that the standard list of required staff training in this section is a new and overly burdensome requirement for every staff and contractor to complete. The commentators suggested that the training should only apply to staff and contracted personnel who work directly with participants.

Response

The Department agrees that § 51.23 should be revised to apply to staff and contracted personnel who work directly with participants. Therefore, the Department revised the definition of "staff" in § 51.3 (relating to definitions) to include employees and contracted personnel when they have direct contact with a participant for the provision of an HCBS.

§ 51.25. Quality management

Comment

Eighteen commentators suggested that the Quality Management (QM) plan criteria in the regulation will require additional resources currently not available in the system.

Response

The Department did not make revisions to the language requiring providers to develop a QM plan. The QM plan is an essential element for the Department and the providers to fulfill the assurances in the approved applicable waiver and provide quality services to participants.

§ 51.27. Misuse and abuse of funds and damage of participant's property

Comment

Sixteen commentators suggested that the language which requires the provider to be responsible to replace a participant's personal property be revised to state that the provider is only responsible to replace or compensate for property that was lost or damaged by the provider while providing HCBS to the participant.

Response

The Department concurs and has revised this section so it is clear that the provider is only responsible to replace or compensate for property that was lost or damaged by the provider while providing HCBS to a participant.

§ 51.28. *SCO requirements for Consolidated and P/FDS Waiver*

Comment

Several commentators suggested that the residential habilitation service criteria which the supports coordinator shall review prior to that service being added to an ISP would preclude many participants from receiving residential habilitation services in a family home environment.

Response

The Department concurs and deleted the language that the commentators found objectionable.

§ 51.32. *Back-up plans*

Comment

Eighteen commentators suggested the Department delete the requirement for a provider to have a back-up plan for the provision of HCBS. The commentators stated that they do not understand the difference between a back-up plan and the ISP.

Response

The Department did not delete the requirement for a provider to develop a back-up plan. The Department did, however, revise the language to explain that a back-up plan assures that HCBS is provided at the frequency and duration established in the participant's ISP. Detailed information on the back-up plan for each HCBS the provider renders for a participant is then added to the ISP.

§ 51.83. *Bidding and procurement*

Comment

Twelve commentators opposed this section. They contended it is not practical or cost-efficient for providers to obtain bids for the supplies they purchase.

Response

The Department concurs and revised the language in this section to require competitive bidding for supplies and HCBS over \$5,000.

§ 51.92. *Rental of administrative, residential and non-residential buildings*

Comment

Eleven commentators suggested the language should be clarified with regard to real estate tax since the regulation does not allow the lessee to obtain a profit.

Response

The Department finds that this provision promotes fiscal accountability. As a result, a change was not made to the regulation.

§ 51.94. *Fixed assets*

Comment

Several commentators objected to this section. They argued that the fixed asset is the property of the provider and the provider should be able to use it at its discretion.

Response

The Department is not revising this section. The goal of the Department is to maintain program assets which have been paid for with MA Program funds and to allow a provider to reinvest the proceeds of any sale of a program asset back into the MA Program.

§ 51.96. *Capital assets—administrative and nonresidential buildings*

Comment

Several commentators opposed the requirements for providers to receive prior written approval from the Department for a planned major renovation of an administrative or nonresidential building with a cost above 10% of the original cost of the building being renovated. The commentators stated that the providers should be able to use the property at their discretion and should not have to obtain prior approval from the Department to renovate a building. The commentators also objected to the provision on recoupment of funds.

Response

The Department revised the threshold percentage for required prior approval from 10% to 25% of the original cost of the building being renovated for a planned major renovation of an administrative or nonresidential building. The Department also added language that as an alternative to recoupment, with Department approval, the provider can reinvest the proceeds from the sale of a service location into any capital asset used in the MA Program.

§ 51.97. *Capital assets—residential buildings*

Comment

Several commentators suggested that the requirement to return funded equity in a property if it is sold is unreasonable and removes the flexibility that is essential for a provider to change service structures by eliminating the provider's capital base.

Response

The Department revised the threshold percentage for required prior approval from 10% to 25% of the original cost of the building being renovated for a planned major renovation of a residential building. The Department also added language that as an alternative to recoupment, with Department approval, the provider can reinvest the proceeds from the sale of the service location into a capital asset used in the MA Waiver Program.

§ 51.98. *Residential habilitation vacancy*

Comment

Several commentators recommended that the regulation should contain a provider-specific vacancy factor and the commentators expressed concern that the language included in the regulation needed to be managed at the participant level and not the provider level.

Response

The Department did not agree with the comments. The vacancy factor will remain a standard vacancy factor and not a provider-specific factor. In addition, the vacancy factor will be managed at the provider level. The Department added subsection (e) to further clarify the Department's intent to maintain the management of the vacancy factor at the provider level. Further, the vacancy factor will be established for all waiver residential habilitation services by publication as a notice in the *Pennsylvania Bulletin*.

Regulatory Review Act

Under section 403.1 of the code, this final-omitted rulemaking is not subject to the Regulatory Review Act.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL and 1 Pa. Code § 7.4(1)(iv) because the regulations relate to Commonwealth grants and benefits.

(2) The adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code, are amended by adding §§ 51.1—51.4, 51.11—51.34, 51.41—51.48, 51.51—51.53, 51.61, 51.62, 51.71—51.75, 51.81—51.103, 51.111, 51.121—51.128, 51.131, 51.141 and 51.151—51.157 to read as set forth in Annex A.

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

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

(d) This order shall take effect July 1, 2011, in accordance with section 403.1(e) of the code. Sections 51.14(a) and (b), 51.28(d)—(h), 51.74(9) and (15), 51.75(3) and 51.98(d) shall take effect upon written notification that the Centers for Medicare and Medicaid Services has granted approval of the Consolidated and Person/Family Directed Support HCBS Waivers. Upon written notification of approval, the Department will publish a notice in the *Pennsylvania Bulletin*. Sections 51.73(e), 51.87, 51.92(a)(1), 51.94(f), 51.95(b)(1), 51.96(b) and (g), 51.97(4) and (5), 51.103(a), 51.111 and 51.131(b) and (c) shall take effect upon publication.

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-533. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 55. PUBLIC WELFARE****PART I. DEPARTMENT OF PUBLIC WELFARE****Subpart E. HOME AND COMMUNITY-BASED SERVICES****CHAPTER 51. OFFICE OF DEVELOPMENTAL PROGRAMS HOME AND COMMUNITY-BASED SERVICES****Subchap.**

- A. GENERAL PROVISIONS**
- B. PROVIDER QUALIFICATIONS AND PARTICIPATION**
- C. PAYMENTS FOR SERVICES**
- D. CLOSURES AND TERMINATION**

Subchapter A. GENERAL PROVISIONS**Sec.**

- 51.1. Purpose.
- 51.2. Scope.
- 51.3. Definitions.
- 51.4. Incorporation by reference.

§ 51.1. Purpose.

This chapter specifies the program and payment requirements for providers participating in the Adult Autism, Consolidated and P/FDS Waivers.

§ 51.2. Scope.

This chapter applies to providers applying for and rendering MA waiver HCBS and providers of targeted services management. This chapter supersedes Chapters 4300 and 6200 (relating to county mental health and mental retardation fiscal manual; and room and board charges) when a provider provides an HCBS to both waiver and base-funded participants from a waiver service location.

§ 51.3. Definitions.

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

AWC/FMS—Agency with choice/financial management service provider—A type of financial management service provider.

Abuse—The allegation or actual occurrence of the infliction of injury, unreasonable confinement, intimidation, punishment, mental anguish, sexual abuse or exploitation.

Additional individualized staffing—Additional staffing as part of the licensed waiver residential habilitation services to meet the long-term needs of a participant when those needs cannot be met as a part of the usual residential habilitation staffing pattern.

Adult Autism Waiver—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act (42 U.S.C.A. § 1396n(c)) designed to help participants with Autism Spectrum Disorder who are 21 years of age and older to live more independently in their homes and communities.

Agency provider—An entity that employs staff to provide an HCBS.

Annual review ISP—The document that outlines the results of the annual review meeting.

Applicant—An individual provider, SSW or agency provider in the process of enrolling as an HCBS provider with the Department.

Approved program capacity—The maximum number of participants who are authorized by the Department to receive services in a waiver residential habilitation service location.

Assessed need—A documented need of a participant.

Assessment—Instruments and documents used by the ISP team and the Department to identify a participant's specific needs for HCBS.

Back-up plan—

(i) A strategy developed by a provider to ensure the HCBS the provider is authorized to provide is delivered in the amount, frequency and duration as specified in the participant's ISP.

(ii) The term is referred to as a contingency plan in the Adult Autism Waiver.

Base-funded services—A State-funded HCBS.

Behavioral specialist HCBS—Support to a participant that demonstrates behavioral challenges through specialized interventions that assist a participant to increase adaptive behaviors to replace or modify challenging behaviors that prevent or interfere with the participant's inclusion in the community.

Behavioral support plan—A set of interventions to be used by people coming into regular contact with the

participant to increase and improve the participant's adaptive behaviors, consistent with the outcomes identified in the participant's ISP.

CAP—Corrective Action Plan—

(i) A plan developed by a provider to resolve noncompliance and avoid recurrence of noncompliance.

(ii) The term is referred to as a Plan of Correction in the Adult Autism Waiver.

Chemical restraint—A drug used to control acute, episodic behavior that restricts the movement or function of a participant.

Common law employer—The person under the vendor fiscal/employer agent FMS option who is the legal employer.

Conflict of interest—A situation in which a person, corporation or entity has a personal or professional relationship which is able to be exploited by that person, corporation or entity for personal, professional or financial benefit or gain.

Consolidated Waiver—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act designed to help participants with an intellectual disability 3 years of age and older to live more independently in their homes and communities.

DCAP—Directed Corrective Action Plan—A document developed or approved by the Department or the Department's designee to resolve noncompliance.

Department—The Department of Public Welfare of the Commonwealth.

Department designee—An entity designated by the Department to perform specific administrative functions on behalf of the Department.

EPLS—Excluded Parties List System—A database maintained by the United States General Services Administration that provides information about parties that are excluded from receiving Federal contracts, certain subcontractors and certain Federal financial and nonfinancial assistance and benefits.

FMS—Financial management service—An entity that fulfills specific employer or employer agent responsibilities for a participant that has elected to self-direct some or all of their HCBS.

Finding—An identified violation of this chapter, Chapter 1101 (relating to general provisions) or other Federal or State standards.

Grievance—The formal expression of dissatisfaction with the provision of a waiver service or a provider's delivery of a waiver service.

HCBS—Home and Community-Based Services—An array of medical, financial and social services or goods not covered by third-party medical resources or other funding sources that are necessary and paid for by the Department to assist a participant to live in the community.

HCSIS—Home and Community Services Information System—A secure web-enabled information system which manages information regarding participants and providers of waiver services.

ISP—Individual support plan—The comprehensive plan for each participant that includes HCBS, risks and mitigation of risks and individual outcomes for a participant.

ISP team—A group of people designated by the participant or required to participate in supporting the participant's outcomes.

Incident—An occurrence or allegation of an action or situation that may negatively affect a participant's health, welfare, safety or rights.

Incident investigation—The process of identifying, collecting and assessing facts from a reportable incident in a systemic manner by a person certified by the Department's approved Certified Investigation Training Program.

Incident target—The person who may have caused the incident to occur.

Individual outcome—

(i) The level of achievement the participant is working towards.

(ii) The term is referred to as goal in the Adult Autism Waiver.

Individual provider—A person who is not employed by an agency and who directly provides the HCBS, including an individual practitioner, independent contractor or SSW provider.

Integrated and dispersed in the community in noncontiguous locations—Waiver residential habilitation service locations that are located throughout the community, surrounded by individuals and businesses that are not funded by the Office of Developmental Programs, are not next to each other, side-by-side or back-to-back. Locations that share one common party wall are not considered contiguous.

Intellectual disability—Documented subaverage general intellectual functioning that occurs prior to the participant's 22nd birthday and is accompanied by significant limitations in adaptive functioning in at least two areas.

Invoice—A bill for an HCBS rendered that is submitted through the Department's designated MMIS billing system.

LEIE—List of Excluded Individuals/Entities—A database maintained by the United States Department of Health and Human Services, Office of Inspector General, for use by health care providers, the public and the government which provides information relating to parties excluded from participation in Medicare, Medicaid or other Federal health care programs.

MA—Medical Assistance.

MMIS—Medicaid Management Information System—The Department's claims processing system.

Managing employer—The person who enters into a joint employment arrangement with the AWC/FMS.

Mechanical restraint—A device used to control acute, episodic behavior that restricts the movement or function of a participant or portion of a participant's body. Examples include anklets, wristlets, camisoles, helmets with fasteners, muffs and mitts with fasteners, poseys, waist straps, head straps, restraining sheets and similar devices.

Medicheck—A Departmental list identifying providers, individuals and other entities precluded from participation in the MA Program.

Natural supports—Supports provided by friends, family, spiritual organizations, neighbors, local businesses and civic organizations that are not funded under the waivers.

ODP—The Office of Developmental Programs.

OHCDs—*Organized Health Care Delivery System*—An arrangement in which a provider that renders at least one direct MA waiver service also chooses to offer a different vendor HCBS by subcontracting with a vendor to facilitate the delivery of vendor goods or services to a participant.

Outcomes—Levels of achievement as described in the ISP.

P/FDS—*Person/Family Directed Support*—A Federally-approved 1915(c) waiver under section 1915(c) of the Social Security Act designed to support participants with an intellectual disability 3 years of age and older to live more independently in their homes and communities.

Participant—A person receiving HCBS.

Participant-directed services—A service managed by an eligible participant who has elected to self-direct through one of the FMS options.

Performance measure—Data results collected systematically over time to indicate provider performance.

Preventable incident—An event that may have been avoided if preventive measures were designed and implemented to reduce the likelihood of an incident occurring.

Preventive measures—Strategies or actions designed to reduce the likelihood of known factors that can result in an adverse event or outcome for a participant.

Private home—A home that is not agency owned, leased or operated and is leased or owned by a participant.

Prone position manual restraint—A method used to control acute, episodic behavior by holding the participant so that the front of the body is turned toward the supporting surface.

Provider—An individual or agency that provides HCBS.

Provider monitoring—A scheduled or unscheduled review conducted by the Department, or the Department's designee, to determine a provider's compliance with regulations and the MA and waiver provider agreements.

Provider performance review data—Performance data that may be used by the provider to devise QM plans while at the same time giving the provider an early indication of performance below Statewide averages.

QM plan—*Quality Management plan*—A written document describing how the provider will measure and remediate its performance to provide quality services and comply with the approved applicable waiver, including approved waiver amendments and this chapter.

Qualification documentation—Documentation that supports that a provider or applicant meets the provider qualification requirements for each service as prescribed in the approved applicable waiver, including approved waiver amendments.

Quarterly summary report—Information from providers of HCBS that provide services to a particular participant during the previous 3 months that detail the participant's progress towards goals and objectives included in the participant's ISP.

Remediation—Actions that are taken to correct deficiencies as a result of an incident or finding.

Residential habilitation enhanced staffing—An enhancement to the licensed residential habilitation service which can be residential habilitation services provided by a licensed nurse, supplemental habilitation staffing or

additional individualized staffing. A licensed nurse can also provide residential enhanced staffing in an unlicensed residential habilitation service location.

Residential habilitation service—Support in the general areas of self-care, communication, fine and gross motor skills, mobility, socialization and use of community resources for participants that reside in a residential habilitation service location.

Respite care—Supervision and support to a participant on a short-term basis due to the absence or need for relief of those persons normally providing care to the participant.

Risk—The likelihood of some undesirable event or negative outcome occurring to a participant.

Risk factors—Attributes, behaviors, health conditions, features of the environment, actions, events or other determinants that increase the probability of an incident or negative outcome for a participant.

Risk mitigation strategies—Proactive action steps to avoid an incident.

SC—*Supports coordinator*—A person providing supports coordination services to a participant.

SCA—*Supports coordination agency*—A provider that delivers supports coordination services under the Adult Autism Waiver.

SCO—*Supports coordination organization*—A provider that delivers:

(i) Supports coordination services under the Consolidated and P/FDS Waivers.

(ii) Targeted services management and base-funded supports coordination.

SCO monitoring—Ongoing oversight of the participant's services to ensure services are implemented as specified in a participant's ISP.

SSW—*Support service worker*—An individual provider hired by a participant who is self-directing HCBS through the vendor fiscal/employer agent FMS option.

SSW agreement—The standard agreement that the SSW signs prior to delivering HCBS to a self-directing participant in the vendor fiscal/employer agent FMS option.

Satisfaction survey—A survey designed to measure a participant's approval of HCBS.

Seclusion—Placing a participant in a locked room with any type of locking device, such as a key lock, spring lock, bolt lock, foot pressure lock or physically holding the door shut.

Self-direction—A participant's management of some or all of the participant's approved and authorized services using the assistance of the vendor fiscal/employer agent FMS or agency with choice FMS.

Service location—The address identified in HCSIS by an HCBS provider where HCBS are provided or managed.

Staff—Employees, contractors or consultants that provide an HCBS through direct contact with a participant, or are responsible for the provision of an HCBS.

Supplemental habilitation staffing—Additional staffing as part of the licensed residential habilitation service to meet the temporary medical or behavioral needs of a participant.

Supports coordination—A service that includes locating, coordinating and monitoring needed HCBS and other supports for a participant.

Surrogate—A person identified under State law to make decisions for a participant who is incompetent or incapacitated or a person designated by a participant that is self-directing HCBS in one of the FMS options.

TSM—Targeted services management—Supports coordination services funded through the MA State Plan for individuals receiving MA who are not enrolled in a Medicaid waiver.

Target objective—The level of performance a provider desires to achieve within a specified period of time.

Third-party medical resource—MA, Medicare, CHAMPUS, workers' compensation, for-profit and non-profit health care coverage and insurance policies, and other forms of insurances that are required to cover a participant's HCBS.

Vendor fiscal/employer agent FMS—A nongovernmental entity that is a fiscal agent for a participant who is self-directing using the vendor fiscal/employer agent FMS option.

Waiver—The Adult Autism, Consolidated and Person/Family Directed Support Home and Community-Based Waivers approved by the Centers for Medicare and Medicaid Services under section 1915(c) of the Social Security Act.

§ 51.4. Incorporation by reference.

The approved applicable waiver, including approved waiver amendments, is incorporated by reference herein. The Consolidated, Person/Family Directed Support and Adult Autism Federal waivers can be found on the Department's web site.

Subchapter B. PROVIDER QUALIFICATIONS AND PARTICIPATION

Sec.	
51.11.	Prerequisites for participation.
51.12.	SSW provider enrollment.
51.13.	Ongoing responsibilities of providers.
51.14.	Residential habilitation service providers.
51.15.	Provider records.
51.16.	Progress notes.
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51.19.	Certified investigations.
51.20.	Criminal history checks.
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51.22.	Provisional hiring.
51.23.	Provider training.
51.24.	Provider monitoring.
51.25.	Quality management.
51.26.	Grievance procedures.
51.27.	Misuse and abuse of funds and damage of participant's property.
51.28.	SCO requirements for Consolidated and P/FDS Waiver.
51.29.	SCA requirements for Adult Autism Waiver.
51.30.	AWC/FMS requirements.
51.31.	Transition of participants.
51.32.	Back-up plans.
51.33.	Conflict of interest.
51.34.	Waiver of a provision of this chapter.

§ 51.11. Prerequisites for participation.

(a) In addition to the requirements under Chapter 1101 (relating to general provisions) to become an enrolled provider, the provider shall:

- (1) Complete the provider enrollment application on a form prescribed by the Department.
- (2) Sign an MA provider agreement and an HCBS waiver provider agreement.

(3) Submit supporting qualification documents identified on the Department's web site to the Department or the Department's designee.

(4) Comply with the approved applicable waiver, including approved waiver amendments, and any other applicable licensing requirements as identified in § 51.4 (relating to incorporation by reference).

(5) Send a complete enrollment package to the Department or the Department's designee.

(b) New providers shall complete and submit the provider monitoring documentation designated for new providers before being authorized to provide HCBS.

(c) A provider shall be qualified by the Department for each HCBS the provider intends to provide prior to rendering the HCBS.

(d) The provider shall submit any missing supporting qualification documentation materials requested by the Department or Department's designee within 30 days of notification by the Department.

(e) If missing supporting qualification documentation is not submitted within 30 days of notification, the enrollment application will be considered withdrawn by the Department and will not be processed.

(f) A provider may submit a new enrollment application after the previous enrollment application is withdrawn by the Department.

(g) A provider will not be paid until the provider is qualified and authorized by the Department or the Department's designee to provide an HCBS.

(h) A provider shall comply with the training requirements as specified in § 51.23 (relating to provider training).

(i) A provider may not influence a participant's freedom of choice in selecting a new provider.

(j) Subsection (b) does not apply to a provider of HCBS in the Adult Autism Waiver.

(k) This section does not apply to an SSW provider.

§ 51.12. SSW provider enrollment.

(a) An SSW provider hired by a common law employer under the vendor fiscal/employer agent FMS option shall:

- (1) Enroll with the vendor fiscal/employer agent FMS and complete the State and Federal required paperwork.
- (2) Complete the required criminal history background checks and child abuse checks under §§ 51.20 and 51.21 (relating to criminal history checks; and child abuse clearances).

(b) This section does not apply to a provider of HCBS in the Adult Autism Waiver.

§ 51.13. Ongoing responsibilities of providers.

(a) A provider shall be qualified for each HCBS the provider continues to render by meeting the requirements under this subchapter.

(b) A provider shall be qualified for an HCBS the provider will render at the interval specified in the approved applicable waiver, including approved waiver amendments.

(c) A provider may be required to be qualified for each HCBS the provider shall render more frequently than the

interval specified in the approved applicable waiver, including approved waiver amendments due to the following:

(1) Transition to a new interval established by the Department as specified in the approved applicable waiver, including approved waiver amendments.

(2) Noncompliance with a provider's CAP.

(3) Findings as a result of provider monitoring.

(4) Receipt of a provisional license.

(5) Receipt of a DCAP.

(6) A circumstance resulting in a review of the provider by the Department or the Department's designee.

(d) A provider shall submit qualification documentation by the due date specified by the Department in a written notification and no later than 61 days prior to the provider's expiration of its qualification.

(e) A provider that fails to submit qualification documentation by the due date specified by the Department in a written notification shall participate in transition planning for the participants currently receiving HCBS from the provider under § 51.31 (relating to transition of participants).

(f) A provider that fails to submit qualification documentation by the expiration date of the provider's qualification:

(1) Will not receive payment for HCBS rendered beyond the provider's expiration qualification date.

(2) Will no longer be qualified to provide that HCBS and have its name removed from the list of qualified providers of that HCBS.

(g) A provider shall update information within HCSIS and the Department's MMIS system to maintain that it is current.

(h) A provider shall contact the Department under the following circumstances:

(1) The provider is willing to continue to provide an HCBS to current participants, but no longer willing to provide that HCBS to a new participant.

(2) The provider intends to discontinue an HCBS.

(3) The provider intends to add an HCBS.

(4) The provider intends to change a service location.

(i) A provider shall comply with Chapter 1101 (relating to general provisions).

(j) A provider shall have a QM plan in accordance with the approved applicable waiver, including approved waiver amendments and this chapter.

(k) A provider shall implement a training curriculum in compliance with § 51.23 (relating to provider training) and applicable HCBS requirements in this chapter.

(l) A provider shall report and investigate incidents as required under § 51.17 (relating to incident management).

(m) A provider shall complete and comply with any CAP or DCAP as required by the Department, the Department's designee or Federal or other State agency as required under § 51.24 (relating to provider monitoring).

(n) A provider shall comply with the terms of the MA provider agreement and HCBS waiver provider agreement or SSW agreement.

(o) A provider shall ensure that the provider and staff possess valid Social Security Numbers.

(p) A provider shall only deliver and provide an HCBS after the provider is qualified and authorized to provide the HCBS.

(q) A provider shall implement the HCBS it is qualified and authorized to provide in accordance with the requirements outlined in the approved applicable waiver, including approved waiver amendments, and the authorized ISP.

(r) A provider shall only render HCBS to a participant who is authorized to receive a service from that provider.

(s) A provider that renders HCBS to a participant, who is not qualified and authorized when the HCBS is provided, will not be reimbursed by the Department for the HCBS during the period the provider was not qualified and authorized.

(t) A provider shall implement the outcomes of a participant to meet the assessed needs of a participant.

(u) A provider shall meet and maintain the applicable licensure and certification requirements for each HCBS the provider renders.

(v) A provider may not submit a claim until an authorized HCBS has been rendered.

(w) A provider may not use the following:

(1) Seclusion.

(2) Chemical restraint.

(3) Mechanical restraint.

(4) Prone position manual restraint.

(5) Manual restraint that:

(i) Inhibits the respiratory and digestive system.

(ii) Inflicts pain.

(iii) Causes hypertension of joints and pressure on the chest or joints.

(iv) Uses a technique in which the participant is not supported and allows for free fall as the participant moves to the floor.

(x) A provider rendering HCBS to a participant shall participate in the assessment of the participant when the participant is identified to receive a Department assessment in accordance with the approved applicable waiver, including waiver amendments.

(y) Subsection (k) does not apply to an SSW provider.

(z) Subsections (g), (j) and (k) do not apply to a provider of HCBS in the Adult Autism Waiver.

§ 51.14. Residential habilitation service providers.

(a) A residential habilitation service provider authorized or identified to provide residential habilitation to a participant shall submit a written request to the Department or the Department's designee to:

(1) Open a new residential habilitation service location.

(2) Close an existing residential habilitation service location and to establish a new residential habilitation service location.

(3) Combine more than one residential habilitation service location.

(4) Change the approved program capacity of a residential habilitation service location.

(b) To receive prior written approval from the Department or the Department's designee to open a new residential habilitation service location, to close an existing residential habilitation service location and open a new residential habilitation service location, or to combine residential habilitation service locations, the provider shall submit the following in writing:

(1) A description of the circumstances surrounding the need for the new residential habilitation service location, closure of existing residential habilitation service location and opening a new residential habilitation service location, or to combine residential habilitation service locations.

(2) A description of how the new residential habilitation service location, closure of existing residential habilitation service location and opening a new residential habilitation service location or combining residential habilitation service locations will meet the setting size, staffing patterns, and assessed needs and outcomes of the participants identified to reside in that residential habilitation service location.

(3) A description of the residential habilitation service location including properties surrounding the location.

(i) The provider shall affirm that the property meets the definition of "integrated and dispersed in the community in noncontiguous locations" in § 51.3 (relating to definitions).

(ii) The property may not be located on a campus setting.

(iii) The property must be surrounded by individuals and businesses that are not funded through the ODP.

(c) A provider licensed under Chapters 3800, 5310, 6400 and 6500 shall receive prior authorization to provide residential habilitation enhanced staffing through the use of supplemental habilitation or additional individualized staffing due to a change in the participant's needs.

(1) The provider shall initiate the prior authorization request process by completing the provider portion of the supplemental habilitation and additional individualized staffing checklist or any approved revisions which can be found on the Department's web site.

(2) A provider who renders residential habilitation enhanced staffing through supplemental habilitation or additional individualized staffing without authorization longer than 30 days from the date the Department receives the request will not receive payment.

(d) A residential habilitation service provider that does not comply with subsections (a)–(c) will not receive payment until Department approval is obtained.

(e) A residential habilitation service provider shall ensure staff providing the residential habilitation service to a participant meets the staff qualifications included in the approved applicable waiver, including approved waiver amendments.

(f) A residential habilitation provider shall participate in the 6-month review of the residential habilitation service the provider renders under § 51.28(h) (relating to SCO requirements for Consolidated and P/FDS Waiver).

(g) This section does not apply to a provider of HCBS in the Adult Autism Waiver and an SSW provider.

§ 51.15. Provider records.

(a) In addition to the requirements under § 1101.51 (relating to ongoing responsibilities of providers), a provider shall:

(1) Document that the HCBS for which it claims payment were provided to the participant and that information submitted in support of the payment is true, accurate and complete.

(2) Maintain records verifying compliance with this chapter for a minimum of 5 years.

(b) A provider shall keep participant records confidential.

(c) A provider may not make participant records accessible to anyone without the written consent of the participant, the person holding the participant's power of attorney for health care or health care proxy, or if a court orders disclosure other than the following:

(1) The participant.

(2) A provider's staff for the purpose of providing HCBS to the participant.

(3) The Department or the Department's designee.

(4) An entity that is permitted to access records under law.

(d) A provider shall provide records, as requested, to the Department regarding HCBS delivered and payments received for HCBS.

(e) A provider may use electronic record documentation under the following conditions:

(1) The electronic record must be readable.

(2) The electronic format conforms to the requirements of Federal and State laws.

(3) The medium used to produce the electronic record accurately reproduces the paper original records.

(4) The medium used is not subject to subsequent deletion, change or manipulation.

(5) The electronic record constitutes a duplicate or substitute copy of the original paper record and has not been altered or if altered shows the original and altered versions, dates of creation and creator.

(6) The electronic record can be converted back into legible paper copies and assessed by an auditing agency.

(7) Providers shall have a back-up system for electronic records.

(f) A provider shall have records management policies in place to comply with this section.

(g) A provider shall document in the participant's record when the participant voluntarily chooses to use the participant's personal funds to purchase items and a description of the item purchased in accordance with the ISP.

(h) Subsections (a)(2), (e) and (f), do not apply to an SSW provider.

§ 51.16. Progress notes.

(a) A provider shall complete a monthly progress note that substantiates the claim for the provision of an HCBS it provides at least monthly. A provider shall maintain the progress notes in a participant's record.

(b) A provider shall complete a progress note each time the HCBS is provided if the HCBS is occurring on a less than monthly frequency.

(c) A provider may complete progress notes for multiple HCBS rendered to the same participant on the same form when the HCBS are rendered by the same provider from the same waiver HCBS location. Progress notes that are completed for multiple HCBS must include progress for each HCBS included on the form.

(d) Progress notes must include the following:

- (1) The name of the participant receiving the HCBS.
- (2) The name of the provider.
- (3) The name, title, signature and date of the person completing the progress note.
- (4) The name of the HCBS.
- (5) The amount, frequency and duration of the authorized and delivered HCBS.
- (6) The outcome of the HCBS.
- (7) A description of what occurred during the delivery of the HCBS.

(e) A provider shall complete a progress note if there is a recommended change to the HCBS rendered that requires discussion with the ISP team due to lack of progress in achieving an outcome as documented on the ISP.

(f) A provider may use technology that allows staff to submit progress notes as required throughout a work shift.

(g) Subsection (f) does not apply to an SSW provider.

(h) This section does not apply to an SCO provider. For SCO service note requirements, see § 51.28(l) (relating to SCO requirements for Consolidated and P/FDS Waiver).

(i) This section does not apply to an SCA provider under the Adult Autism Waiver.

§ 51.17. Incident management.

(a) In accordance with Chapter 6000, Subchapter Q (relating to incident management) and the Department's Certified Investigator Manual on the Department's web site, a provider shall report incidents to the Department and ensure that a certified investigation is conducted.

(b) A provider shall take prompt action to protect the participant's health, safety and rights when an incident has been discovered or has occurred. The Department will establish participant rights by Departmental guidelines.

(c) A provider shall report any of the following incidents in HCSIS within 24 hours of the discovery or occurrence of the incident:

- (1) Death.
- (2) Suicide attempt.
- (3) Hospitalization.
- (4) Psychiatric hospitalization.
- (5) Emergency room visit.
- (6) Abuse as follows:
 - (i) Physical abuse.
 - (ii) Psychological abuse.
 - (iii) Sexual abuse.
 - (iv) Verbal abuse.
 - (v) Improper or unauthorized use of restraint.
- (7) Individual to individual abuse.
- (8) Neglect.

- (9) Missing person.
- (10) Law enforcement.
- (11) Injury requiring treatment beyond first aid.
- (12) Disease reportable to the Department of Health.
- (13) Fire.
- (14) Misuse of funds.
- (15) Participant rights violation.
- (16) Emergency closure.
- (17) Crisis event.
- (18) Restraint.

(d) A provider shall report any of the following incidents in HCSIS within 72 hours of the discovery or occurrence of an incident:

- (1) Medication administration error.
- (2) Restraint unless the restraint falls into the definition of "abuse" in § 51.3 (relating to definitions).

(e) A provider shall fax or scan an incident report to the Department if HCSIS is not available within 24 hours or 72 hours depending on the incident type as described under subsections (a)—(c). When HCSIS becomes available, the provider shall immediately enter the incident into HCSIS.

(f) For incidents that are to be reported within 24 hours of the discovery or occurrence, a provider shall finalize the incident report in HCSIS by including additional information about the incident, results of a required investigation and corrective actions within 30 days of the discovery or occurrence of the incident, unless the deadline is extended in HCSIS.

(g) A provider shall provide a detailed description in HCSIS of the actions taken in response to an incident to include:

- (1) The prompt action to protect the health and welfare of the participant.
- (2) The results of the incident investigation.
- (3) Corrective actions taken.
- (4) The staff that is responsible for implementing the actions.
- (5) The date the actions were implemented or are planned.
- (6) Specific information regarding disciplinary actions taken with staff to assure the health and welfare of participants.

(h) A provider shall review and analyze incidents at least quarterly or more frequently as required by the Department. This quarterly review must contain information on the incident target.

(i) A provider shall submit reports regarding its review and analysis of incidents to the Department or the Department's designee, upon request.

(j) A provider shall identify and implement actions to assure a participant is safeguarded from risk so the number of preventable incidents is reduced.

(k) A provider shall assure that its staff receive annual incident management training on preventing, recognizing, reporting and responding to incidents and assuring a participant is safe as required under § 51.23 (relating to provider training).

(l) A provider shall provide additional training to the participant and staff as needed based on the incident circumstances.

(m) A provider shall analyze data on a participant to continuously improve HCBS delivery and to mitigate and manage risk factors.

(n) A provider shall respond to actions designated by the Department or the Department's designee as a result of the management review of an incident.

(o) An SSW provider is responsible to report incidents to the common law employer.

(p) Subsections (a)—(m) do not apply to an SSW provider.

(q) Subsections (d)(2), (h), (i), (k) and (m) do not apply to a provider of HCBS in the Adult Autism Waiver.

(r) Subsection (c)(17) and (18) does not apply to a provider of HCBS in the Consolidated and P/FDS Waiver.

§ 51.18. Risk management.

(a) A provider shall complete the following risk management activities:

- (1) Remedy the cause of the incident.
- (2) Complete an incident report and investigation as required under § 51.17 (relating to incident management).
- (3) Conduct an analysis to determine the root cause of the incident and include corrective actions in the participant's incident report.
- (4) Update strategies to address risk factors and risk levels.
- (5) Work cooperatively with the SC to update the ISP, as needed, by integrating risk mitigation into the participant's ISP.

(b) A provider shall implement the following risk mitigation strategies to prevent, reduce and manage the severity of incidents during the delivery of the authorized HCBS and share the information with the SC for inclusion in the participant's ISP:

- (1) Identify risk factors of the participant:
 - (i) Health status, family medical history and medical risks.
 - (ii) Medication history and current medication.
 - (iii) Behavioral history and behavior risks.
 - (iv) Incident history.
 - (v) Social environment needs.
 - (vi) Physical environment needs.
 - (vii) Personal safety.
- (2) Identify strategies to reduce the frequency of incidents or reduce the severity of associated effects.
- (3) Train the participant and staff on the risk factors and risk mitigation strategies.
- (4) Implement preventive measures to reduce the level of risk of an incident or negative outcome from occurring.
- (5) Monitor participant's risk mitigation strategies and update the strategies, as needed.

(c) This section does not apply to an SSW provider and a provider of HCBS in the Adult Autism Waiver.

§ 51.19. Certified investigations.

(a) A provider shall ensure that incidents requiring an investigation are conducted and completed by a certified investigator and analyzed by the provider.

(b) A provider shall ensure an individual completing an investigation on behalf of the provider is a trained certified investigator and has completed the training course offered by the Department.

(c) To be a certified investigator, the certified investigator shall:

- (1) Have a high school diploma or general education diploma.
- (2) Be 21 years of age or older.
- (3) Meet the criminal history checks under § 51.20 (relating to criminal history checks) and, if applicable, the child abuse clearance provisions under § 51.21 (relating to child abuse clearances).

(4) Complete the Department web-based portion of the training within 3 months of enrolling in the course.

(5) Attend the certification training and pass the exam. A certified investigator shall be recertified every 3 years.

(d) To maintain certification, a certified investigator shall:

- (1) Complete three certified investigations during the 3-year certification period.
- (2) Attend a 1-day recertification class.

(e) If a certified investigator wishes to continue to conduct certified investigations and has done fewer than three investigations during the certification period, the investigator shall actively participate in a quarterly or semiannual review of the quality of investigations by serving as a member of a peer review committee or a risk management committee. Active participation includes reviewing at least three investigations and discussing the results with the committee.

(f) This section does not apply to an SSW provider.

§ 51.20. Criminal history checks.

(a) A provider shall ensure that a criminal history check is obtained for staff.

(b) The reporting requirements listed in this chapter are in addition to reporting requirements under Chapters 2380, 2390, 3800, 5310, 6400 and 6500, 6 Pa. Code Chapter 11 (relating to older adult daily living centers) and, when applicable, 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries).

(c) A provider shall apply for a criminal history check for staff prior to hiring.

(d) A provider shall obtain a criminal history check in compliance with the following:

(1) A report of criminal history record information from the Pennsylvania State Police or a statement from the Pennsylvania State Police that the State Police Central Repository does not contain information relating to that person under 18 Pa.C.S. §§ 9101—9183 (relating to Criminal History Record Information Act) if staff has been a resident of this Commonwealth for at least 2 years.

(2) A report of Federal criminal history record information under the Federal Bureau of Investigation (FBI) appropriation of Title II of the act of October 25, 1972 (Pub. L. No. 92-544, 86 Stat. 1109) if staff has been a

resident of this Commonwealth for less than 2 years or is currently a resident of another state.

(e) Criminal history checks shall be in accordance with the Older Adults Protective Services Act (35 P. S. §§ 10225.101—10225.5102) and 6 Pa. Code Chapter 15 (relating to protective services for older adults).

(f) The hiring policies shall be in accordance with the Department of Aging's Older Adult Protective Services Act policy as posted on the Department of Aging's web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=616725&mode=2>.

(g) A copy of the final reports received from the Pennsylvania State Police and the FBI, if applicable, shall be kept in accordance with § 51.15 (relating to provider records).

(h) Subsections (b), (c), (f) and (g) do not apply to an SSW provider.

§ 51.21. Child abuse clearances.

(a) A provider shall assure that a child abuse clearance is obtained for each staff that provides an HCBS to a minor.

(b) If the provider serves a participant who is 17 years of age or younger, 23 Pa.C.S. §§ 6301—6386 (relating to Child Protective Services Law) is applicable.

(c) A copy of the final child abuse clearance shall be kept in accordance with § 51.15 (relating to provider records).

(d) Subsection (c) does not apply to an SSW provider.

§ 51.22. Provisional hiring.

(a) A provider may provisionally hire staff pending receipt of a criminal history check and child abuse clearance, as applicable, if the following conditions are met:

(1) A provisionally-hired staff person shall have applied for a criminal history check and child abuse clearance, as required under §§ 51.20 and 51.21 (relating to criminal history checks; and child abuse clearances), and give the provider a copy of the completed criminal history request form and child abuse clearance form.

(2) A provider may not hire a person provisionally if the provider has knowledge that the person would be disqualified for employment under 18 Pa.C.S. § 4911 (relating to tampering with public records or information).

(3) A provisionally-hired staff person shall swear or affirm in writing that he has not been disqualified from employment or referral under this chapter.

(4) A provider may not permit the provisionally-hired staff person awaiting a criminal history background check or child abuse clearance to work alone with a participant.

(5) A provider shall monitor a provisionally-hired staff person awaiting a criminal history check or child abuse clearance through random, direct observation and participant feedback. The results of monitoring shall be documented in the provisionally-hired staff person's file.

(6) The period of provisional hire of a staff person that is and has been for 2 years or more a resident of this Commonwealth may not exceed 30 days. The period of provisional hire of a staff person who has not been a resident of this Commonwealth for 2 years or more may not exceed 90 days.

(b) When subsection (a) conflicts with Chapter 2380, 2390, 3800, 5310, 6400 or 6500, 6 Pa. Code Chapter 11

(relating to older adult daily living centers) or 28 Pa. Code Chapters 601 and 611 (relating to home health care agencies; and home care agencies and home care registries), subsection (a) is not applicable.

(c) This section does not apply to an SSW provider.

§ 51.23. Provider training.

(a) A provider shall implement a standard annual training for the provider and staff. The standard annual training must contain at least the following:

(1) Department policy on intellectual disability principles and values.

(2) Training to meet the needs of a participant as identified in the ISP.

(3) QM plan.

(4) Identification and prevention of abuse, neglect and exploitation of a participant.

(5) Recognizing, reporting and investigating an incident.

(6) Participant grievance resolution.

(7) Department-issued policies or procedures.

(8) Accurate billing and documentation of HCBS delivery.

(b) Before providing an HCBS to a participant, a provider shall ensure that its staff have met any additional pre- and in-service training requirements as detailed in a participant's ISP.

(c) A provider shall retain documentation of completion of training for each staff.

(d) A provider shall update annual training to reflect the Department's current policies and procedures and emerging practices.

(e) This section does not apply to an SSW provider or to a provider of HCBS in the Adult Autism Waiver.

§ 51.24. Provider monitoring.

(a) The Department will monitor a provider at the frequency specified in the approved applicable waiver, including approved waiver amendments.

(b) A provider shall review and analyze performance data provided by the Department and take appropriate steps to improve its performance based on the results of performance data.

(c) A provider shall complete the Department-approved provider monitoring documents during the provider monitoring process for the provider and the participants identified by the Department or the Department's designee.

(d) A provider shall submit the completed provider monitoring documents electronically to the Department or the Department's designee.

(e) A provider shall cooperate with the Department or the Department's designee during a monitoring review.

(f) A provider shall ensure each finding discovered during a monitoring review is successfully remediated through a CAP.

(g) A provider shall include the following information on the CAP form:

(1) The specific action to correct each instance of noncompliance identified on the CAP form.

(2) The target date for the corrective action to occur.

(3) The corrective actions that will be employed to identify and prevent recurrence of the specific noncompliance.

(4) The name and title of the person responsible for preparing and submitting the CAP form to the Department's designee and the date the CAP form was submitted to the Department's designee.

(h) The provider shall return the CAP form within 15 days of receipt of request for a CAP.

(i) The provider shall respond to the Department or the Department's designee if a proposed CAP is rejected and revise the CAP form in accordance with subsection (k).

(j) The provider shall remediate noncompliance within 30 days of receiving the Department-approved CAP.

(k) A provider shall implement a DCAP in response to the statement of findings developed by the Department or the Department's designee.

(l) Failure to comply with a DCAP will result in sanctions as provided in § 51.153 (relating to sanctions).

(m) The provider shall cooperate with follow-up monitoring by the Department or the Department's designee.

(n) The provider shall provide the Department or the Department's designee with additional information needed to complete a provider monitoring.

(o) The provider shall cooperate with Federal or other State provider monitoring.

(p) Subsections (a)—(d), (f)—(l) and (n) do not apply to an SSW provider.

(q) Subsections (c) and (d) do not apply to a provider of HCBS in the Adult Autism Waiver.

§ 51.25. Quality management.

(a) A provider shall meet the QM plan criteria developed by the Department.

(b) The provider shall create and implement a QM plan.

(c) The provider shall evaluate the following when developing a QM plan:

(1) The manner in which the provider will meet the Department's QM plan criteria.

(2) The provider's quarterly performance review data and available reports in HCSIS.

(3) The results from provider monitoring and SCO monitoring.

(4) Compliance with the requirements in 42 CFR 441.302 (relating to state assurances).

(5) Incident management data, including data on the incident target under § 51.17 (relating to incident management).

(6) Results of satisfaction surveys and reviews of grievances.

(d) The provider shall include the following criteria when developing a QM plan:

(1) Goals of the QM plan, which include how the provider will meet Department priorities that are published as a notice in the *Pennsylvania Bulletin*.

(2) Target objectives that support each goal.

(3) Performance measures the provider will use to evaluate progress in achieving the target objectives.

(4) The data source for each performance measure.

(5) The person responsible for the QM plan.

(6) Actions to be taken to meet the target objectives.

(e) A provider shall update its QM plan at least every 2 years.

(f) The provider shall submit a copy of its QM plan and verification that the provider reviewed performance data to the Department or the Department's designee upon request.

(g) This section does not apply to an SSW provider and to a provider of HCBS in the Adult Autism Waiver.

§ 51.26. Grievance procedures.

(a) A provider shall develop grievance procedures to document, respond and resolve grievances including:

(1) Processes to resolve a grievance within 21 days.

(2) Instructions for participants and their families regarding grievance procedures, including how to seek help in filing a grievance.

(b) A provider shall provide a copy of its grievance procedures to the Department or the Department's designee upon request.

(c) A provider shall review and document the following information to resolve a participant grievance:

(1) The name of the participant filing or the name of the person filing the grievance on behalf of the participant.

(2) The nature of the grievance.

(3) The date of occurrence and date of filing of the grievance.

(4) The provider's actions to resolve the grievance.

(5) The resolution of the grievance as agreed by the provider, the participant or the person filing the grievance on behalf of the participant.

(6) The date the grievance was resolved.

(d) A provider shall review its grievance procedures at least annually to determine the number of grievances and their disposition.

(e) This section does not apply to an SSW provider.

§ 51.27. Misuse and abuse of funds and damage of participant's property.

(a) A provider's records and invoices may be reviewed and the provider may be required to provide a written explanation of billing practices during an audit, fiscal review or provider monitoring.

(b) If the Department's audit, fiscal review or provider monitoring indicates that a provider has been billing for HCBS that are inconsistent with this chapter, unnecessary or inappropriate to a participant's needs or contrary to the participant's ISP, the Department will suspend payment for not more than 120 days pending the Department's review of billing and HCBS.

(c) The Department will notify a provider in writing of a suspension of payment under subsection (b).

(d) In addition to sanctions provided for in this chapter, a provider shall adhere to §§ 1101.74, 1101.75, 1101.76 and 1101.77.

(e) A provider shall either replace property that was lost or damaged, or pay the participant the replacement value for the lost or damaged item if confirmed by the provider, Department or the Department's designee through a review of the circumstances that a participant's

personal property was lost or damaged by the provider while providing an HCBS to the participant.

(f) Subsections (a)—(c) do not apply to an SSW provider.

§ 51.28. SCO requirements for Consolidated and P/FDS Waiver.

(a) Payment for supports coordination services is limited to waiver supports coordination, provision of TSM supports coordination and base-funded supports coordination.

(b) An SCO provider shall ensure the following information is included in the ISP:

(1) The assessed need and outcome of the participant that each HCBS addresses.

(2) The type, amount, duration and frequency of each HCBS.

(3) Risk factors and risk mitigation strategies the ISP team determined will mitigate risk factors.

(4) Participant preferences.

(5) Medical history.

(6) Health information.

(7) Functional ability information.

(8) Communication abilities and needs.

(9) Financial information.

(10) HCBS and supports.

(c) An SCO shall ensure the SC completes the following when developing an initial ISP and annual review ISP:

(1) Collaboration with the participant, family, provider and other ISP team members to coordinate a date, time and location for the annual review ISP meeting at least 90 days prior to the end date of the ISP.

(2) Coordination of information gathering and assessment activity, which includes the results from the State-wide needs assessment for the annual review ISP meeting at least 90 days prior to the end date of the ISP.

(3) Distribution of invitations to ISP team members at least 30 days before the ISP meeting is held.

(4) Facilitation of the ISP meeting with team members invited at least 60 days prior to the end date of the ISP.

(5) Submission of the annual review ISP to the Department's designee for approval and authorization at least 30 days prior to the end date of the ISP.

(6) Resubmission of the ISP for approval and authorization within 7 days of the date it was returned to the SCO for revision.

(7) Distribution of the ISP to the participant, family and ISP team members who do not have access to HCSIS within 14 days of its approval and authorization.

(8) Revision of the ISP when there is a change in an assessed need for a participant during an ISP year.

(d) An SCO shall review the Department's residential habilitation service criteria in subsection (e) with the participant and ISP team during the initial ISP, annual review ISP, any other ISP team meeting when a residential habilitation service is being considered for a participant who is currently not authorized for a residential habilitation service and during the 6-month review of the residential habilitation service.

(e) The following residential habilitation service criteria shall be utilized to assist the ISP team in determining if a residential habilitation service is needed or continues to be recommended by the ISP team at the 6-month review:

(1) A person is not willing or able to provide the needed natural supports or paid supports for the participant in a private home.

(2) The participant health, safety and welfare would not be met with a nonresidential habilitation service or natural supports in a private home.

(3) Others would be at risk of harm if a residential habilitation service was not provided for the participant.

(4) Assessments indicate the participant's needs can only be met through the provision of a residential habilitation service.

(5) The residential habilitation setting is the least restrictive and most appropriate size to ensure the participant's health and welfare while continuing to meet the assessed need.

(f) If a residential habilitation service is determined to be needed by the ISP team during the initial ISP, annual review ISP or other ISP team meeting when a residential habilitation service is being considered for a participant who is currently not authorized for a residential habilitation service based on the residential habilitation criteria in subsection (e), the family living residential habilitation service shall be considered first by the ISP team.

(g) When the ISP team proposes a residential habilitation service other than family living residential habilitation services, the proposal must be in accordance with the ISP manual developed by the Department and found on the Department's web site.

(h) For a participant authorized for a residential habilitation service, the SCO shall conduct a monitoring visit and review the residential habilitation service criteria in subsection (e) at least once every 6 months to determine if the participant continues to need the authorized residential habilitation HCBS.

(i) If the 6-month review during a monitoring visit identifies a change in need, an ISP meeting will be convened to discuss potential changes to the ISP.

(j) When an SCO receives a request for enhanced staffing to the residential habilitation service, the SCO shall ensure the SC documents the following in the ISP:

(1) The change in the participant need, including how this change affects the participant's health and welfare.

(2) The assessments used to support the need for residential habilitation enhanced staffing.

(3) What the enhanced staffing support will specifically provide to address the participant's needs.

(4) The plan to reduce the residential habilitation enhanced staffing based on specific outcomes of the participant.

(5) The time frames and the person responsible for monitoring the progression of the plan to reduce the residential habilitation enhanced staffing.

(6) The results of meetings held to re-evaluate the need for continuation of the residential habilitation enhanced staffing.

(7) Adjustments to the participant's ISP.

(k) An SCO shall monitor risk factors and the implementation and impact of risk mitigation strategies during participant monitoring activities.

(l) An SCO shall ensure the SC documents the results of discussions regarding services that require a review more frequently than annually as determined in the approved applicable waiver, including approved waiver amendments.

(m) An SCO shall ensure the SC documents contacts and actions regarding a participant in a service note in HCSIS.

(n) An SCO shall ensure the SC completes the monitoring documents in HCSIS to document findings and concerns of monitoring, as well as resolution of those findings and concerns.

(o) An SCO shall ensure the SC includes in the ISP the participant and ISP team's decision regarding how the participant chooses to use personal funds in the ISP.

(p) This section does not apply to an SCA provider in the Adult Autism Waiver.

§ 51.29. SCA requirements for Adult Autism Waiver.

(a) Payment for SC HCBS is limited to participants who are enrolled in waivers which include SC HCBS.

(b) An SCA shall:

(1) Use assessments to inform HCBS planning.

(2) Develop the participant's ISP when the participant enrolls in the waiver.

(3) Ensure each participant is offered choice of willing and qualified providers by providing the participant and ISP team a list of willing and qualified providers at the annual review ISP meeting or as requested by the participant.

(4) Document annually that the participant or his representative understands the right of choice of willing and qualified providers and have the participant sign the documentation.

(5) Convene the ISP team to conduct a comprehensive review of the ISP at least annually.

(c) An SCA shall complete the following when developing an ISP:

(1) Collaborate with the participant, family, provider and other ISP team members to coordinate a date, time and location for the annual review ISP meeting at least 90 days prior to the end date of the ISP.

(2) Coordinate information gathering and assessment activity for the annual review ISP meeting at least 90 days prior to the end date of the ISP.

(3) Distribute invitations to ISP team members at least 30 days before the ISP meeting is held.

(4) Facilitate the ISP meeting with all ISP team members invited at least 60 days prior to the end date of the ISP.

(5) Submit the ISP to the Department for approval and authorization at least 30 days prior to the end date of the ISP.

(6) Resubmit the ISP for approval and authorization within 7 days of the date it was returned to the SCA for revision.

(7) Distribute the ISP to the participant, family and ISP team members who do not have access to HCSIS within 14 days of its approval and authorization.

(8) Review ongoing HCBS quarterly to ascertain the participant's progress towards each goal specified in the ISP.

(9) Ensure an HCBS is necessary to achieve goals identified in the participant's ISP.

(10) Contact the participant, his guardian or a representative designated by the participant at least once per month to ensure the participant's health and welfare.

(11) Meet with the participant in person at least quarterly. At least one visit each year shall occur in the participant's home and if the participant receives HCBS outside the home one other visit each year shall occur while the participant is receiving the HCBS at the location outside the home and do the following:

(i) Monitor the participant's health and welfare.

(ii) Complete a quarterly summary report and enter it in the Department's designated information system.

(iii) Inform the Department immediately whenever the participant's health and welfare is in jeopardy.

(iv) Take immediate action to assure a participant's health and welfare if the SC believes that a participant's health and welfare is in jeopardy.

(v) Convene an ISP team meeting within 10 days of a crisis to discuss the need to change the ISP if a participant has exhibited serious challenging behaviors or has experienced a crisis episode and does not presently have behavioral specialist HCBS in the ISP or other additional services to ensure a participant's health and welfare.

(12) Ensure that the ISP is being implemented as written.

(13) Assess whether the ISP needs to be revised.

(14) For all ISP updates that change the amount and frequency of an HCBS, the SC shall meet with the participant or reconvene the ISP team to discuss needed changes and revise the ISP.

(15) Review by the SC of the right to fair hearing procedures during the annual review of the ISP and at any time requested by the participant or participant's representative or when HCBS are denied or decreased in the ISP.

(16) Ensure the participant's behavioral support plan and crisis intervention plan are consistent with the ISP if the participant receives Behavioral Specialist HCBS. The SC shall reconvene the ISP team if the behavioral support plan is not consistent with the ISP or the behavioral support plan indicates a change in the ISP may be warranted.

(17) Ensure that the participant's annual level of care re-evaluation is completed and documented by the anniversary date of the current level of care evaluation.

(18) Document activities in HCSIS.

(19) Ensure that staff providing SC are qualified.

(20) Ensure that the maximum caseload for an SC does not exceed the number of participants specified in the approved applicable waiver, including approved waiver amendments, including participants in other HCBS waivers, unless the requirement is waived by the Department or the Department's designee.

(21) Ensure that a conflict of interest does not exist in the delivery of the supports coordination service.

(22) Not provide any other HCBS for a participant unless it enrolls as an OHCD to provide other HCBS in

accordance with the approved applicable waiver, including approved waiver amendments.

§ 51.30. AWC/FMS requirements.

(a) In addition to meeting the requirements in § 51.13 (relating to ongoing responsibilities of providers), an AWC/FMS provider shall ensure the Department's standard AWC/FMS-managing employer agreement is completed with each managing employer when:

(1) A participant is choosing to self-direct HCBS that are determined to be needed and authorized by the Department or the Department's designee in the ISP.

(2) A participant has elected to enroll in the AWC/FMS-managing employer option.

(b) An AWC/FMS provider shall ensure the managing employer complies with the responsibilities outlined in the signed AWC/FMS-managing employer agreement.

(c) An AWC/FMS provider shall fulfill unmet responsibilities of the managing employer.

(d) An AWC/FMS provider shall identify and implement corrective action for managing employer performance issues in accordance with the AWC/FMS-managing employer agreement.

(e) An AWC/FMS provider shall be qualified for participant-directed services.

(f) An AWC/FMS provider shall process and provide vendor goods and services authorized by the Department or the Department's designee to self-directing participants covered by their monthly per participant administrative fee.

(g) An AWC/FMS provider shall distribute a Department-approved satisfaction survey to participants in AWC/FMS.

(h) This section does not apply to a provider of HCBS in the Adult Autism Waiver.

§ 51.31. Transition of participants.

(a) When a participant selects another willing and qualified provider to replace the current provider, both providers shall cooperate with the Department or the Department's designee, the participant and the participant's SCO or SCA during the transition between providers.

(b) The current provider shall ensure the following:

(1) Participation in transition planning meetings to aid in the successful transition to the new willing provider.

(2) Cooperation with visitation schedules identified during the transition meeting.

(3) Arrangement for transportation of the participant to support the visitation schedule.

(4) Closing of open incidents in HCSIS.

(5) Undue influence is not exerted when the participant is making the choice to a new willing and qualified provider.

(c) A provider that is no longer willing to provide an HCBS to a participant shall provide written notice at least 30 days prior to the date of discharge to the participant, the Department, the Department's designee and the SC when the provider is not the SCO or SCA.

(d) The provider shall provide written notification that includes the following:

(1) The HCBS the provider is unwilling or unable to provide.

(2) The HCBS location where the HCBS is currently provided.

(3) The reason the provider is no longer willing to provide the HCBS to the participant.

(4) A description of the efforts made to address or resolve the issue that has led to the provider becoming unwilling or unable to deliver the HCBS to the participant.

(5) Suggested time frames for transitioning the delivery of the HCBS to a selected willing and qualified provider.

(6) The current provider name and Master Provider Index number.

(e) A provider shall continue to provide the authorized HCBS during the transition period to ensure continuity of care until a willing and qualified provider is selected unless otherwise directed by the Department or the Department's designee.

(f) A provider shall provide written notification to the Department or the Department's designee if the provider cannot continue to provide the HCBS until another willing provider is selected due to emergency circumstances.

(g) A selected willing provider shall cooperate with transition planning activities including participation in transition planning meetings.

(h) A current SCO provider shall cooperate with transition planning activities including utilization of HCSIS transfer functionality and participation in all transition planning meetings that occur during the transition period.

(i) A provider shall provide available records to the selected willing provider within 7 days of the date of transfer.

(j) This section does not apply to an SSW provider and an AWC/FMS provider.

§ 51.32. Back-up plans.

(a) A provider shall develop and provide detailed information on the back-up plan for each HCBS the provider renders for a participant to the participant and the SC for inclusion in the ISP.

(b) A provider shall develop a written protocol to ensure the successful implementation of each participant's back-up plan that contains information that:

(1) Assures and verifies the HCBS is being provided at the frequency and duration established in the participant's ISP.

(2) Verifies that the HCBS is provided during a change in staff, such as shift changes or changes in staffing patterns.

(c) A provider shall implement the participant's back-up plan when a participant is available for the authorized HCBS to be delivered and an event occurs which requires the provider to implement the back-up plan so the HCBS continues to be rendered as specified in the approved ISP.

(d) A deviation in frequency or duration of HCBS as specified in the ISP due to failure to implement a back-up plan when a participant is available to receive the HCBS will result in an incident report of provider neglect as specified in § 51.17 (relating to incident management).

(e) This section does not apply to an SSW provider.

§ 51.33. Conflict of interest.

(a) A provider shall develop an internal conflict of interest protocol that, at a minimum, addresses the following areas:

(1) Unbiased decision making by the provider, managers and staff.

(2) No involvement of board members with other provider agencies that are not in accordance with ethical standards of financial and professional conduct.

(3) Documented procedures to determine whether a conflict of interest exists within the organization, including the steps to take if a change in circumstances occurs.

(4) Documented procedures to follow when a conflict of interest is disclosed within the organizational structure.

(5) Documented procedures to follow when a conflict of interest is determined to exist.

(b) A provider shall self-disclose a conflict of interest to the Department.

(c) For payment to be provided for supports coordination HCBS, an SCO shall comply with the conflict free requirements in the approved applicable waiver, including approved waiver amendments.

(d) Subsection (c) does not apply to a provider of HCBS in the Adult Autism Waiver.

(e) Subsections (a), (c) and (d) do not apply to an SSW provider.

§ 51.34. Waiver of a provision of this chapter.

(a) The Department may grant a waiver to a provision of this chapter which is not otherwise required by Federal, State or local requirements and does not jeopardize the health, safety or well-being of the participant.

(b) A waiver request shall be in writing on a form prescribed by the Department.

Subchapter C. PAYMENTS FOR SERVICES

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GENERAL REQUIREMENTS

§ 51.41. SSW provider.

This subchapter does not apply to an SSW provider.

§ 51.42. Definitions.

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

Allowable cost—A necessary cost directly or indirectly associated with the provision of a cost-based services.

Approved cost report—A cost report which complies with the Department's cost-based reporting instructions and passes the Department's desk review.

Attestation engagement—The term includes audits, examinations, reviews, compilations and agreed-upon procedures.

Board—The participant's share of food and food preparation costs.

Cost-based rate-setting methodology—The Department's process of reviewing approved cost reports, aggregating the cost of each cost-based service and then determining the provider specific rate for each cost-based services.

Cost-based services—An HCBS reimbursed through a rate established by aggregating provider cost reports.

Cost report—A data collection tool issued by the Department to collect cost and utilization information from providers that includes supplemental schedules or addenda requested by the Department.

Department-established fee—A non-MA funded fee established by the Department for a portion of an HCBS not eligible for Federal financial participation.

Eligible expenses—Allowable costs that are eligible for Federal financial participation.

FASB—The Financial Accounting Standards Board.

Fee schedule HCBS—An HCBS listed on the MA Program fee schedule.

Fiscal review—A review of billing records against provider documentation to ensure HCBS were provided in the type, amount, duration and frequency as required by the approved ISP.

Fixed asset—A major item, excluding real estate, which can be expected to have a useful life of more than 1 year or that can be used repeatedly without materially changing or impairing its physical condition by normal repair, maintenance or replacement of components.

Funded equity—The value of property over the liability on the property.

GAAP—Generally Accepted Accounting Principles—The standard framework of guidelines for financial accounting used in any given jurisdiction which are generally known as accounting standards.

Indirect cost—Expense allocations and functions which are needed for program operations but not directly related to participant HCBS.

Ineligible costs—Allowable costs that are not eligible for Federal financial participation but are eligible for reimbursement by the Department.

Management fees—Expenses related to charges from a parent or affiliated company of the provider.

Market-based approach—A process used to develop MA or Department-established fees based on independent data sources for a particular waiver service's cost components, including the consideration of reasonable and necessary costs for the delivery of a waiver service.

OMB Circular A-122—Office of Management and Budget Circular A-122, Cost Principles for Non-Profit Organizations.

Rate adjustment factor—A downward adjustment to a rate based on an analysis of State and Federal expenditures that are projected using the proposed payment rates and projected provider utilization compared to the appropriation amounts.

Related party—The term as defined in FASB Accounting Standards Codification Section 850-10-20 as may be amended or superseded by FASB or a successor organization.

Representative payee—A person or organization appointed by the Social Security Administration to receive benefits on behalf of a participant.

Reserved capacity—The capacity held for a participant when the participant has been discharged from the waiver and has been identified by the Department for re-enrollment into the waiver.

Respite care ineligible—The portion of payment for respite care HCBS that is not eligible for Federal financial participation.

Restricted gift—A donation or gift given to an HCBS provider for a specific purpose.

Room—A participant's share of lodging costs which includes utility costs such as electricity, heating, water and sewage. The term also includes annual upkeep costs of the residential habilitation service location including trash collection, general maintenance, necessary repairs and renovation costs.

SNAP—Supplemental Nutrition Assistance Program. The term is also known as food stamps.

SSI—Supplemental Security Income.

Third-party resource—Private or governmental health insurance benefits.

Vacancy factor—A standard factor applied to a provider's cost-based rate to account for when a participant is absent from the residential habilitation service location.

§ 51.43. Department rates and HCBS classification.

(a) An HCBS will be paid as one of the following under §§ 51.53, 51.62, 51.72 and 51.131:

- (1) MA fee schedule service.
- (2) Vendor good and services.
- (3) Cost-based service.
- (4) Department-established fee.

(b) The Department will reimburse providers of vendor goods and services in accordance with § 51.62 (relating to vendor goods and services reimbursement).

(c) The Department may establish a fee per unit of HCBS as a Department-established fee by publishing a notice in the *Pennsylvania Bulletin*.

(d) The Department-established fees are the maximum amount the Department will pay.

(e) A provider may not negotiate a fee or rate with another ODP-funded entity when there is a Department-established fee or rate for the same HCBS at the waiver HCBS location.

§ 51.44. Payment policies.

(a) The Department will only pay for HCBS in accordance with this chapter and Chapters 1101 and 1150 (relating to general provisions; and MA Program payment policies).

(b) When a provision specified in Chapter 1101 or 1150 is inconsistent with this chapter, this chapter is applicable.

(c) The Department will only pay for compensable HCBS up to the amount, duration and frequency as listed on the participant's ISP as approved by the Department or the Department's designee and rendered by the provider.

(d) If an HCBS is allowable under a third-party medical resource, the provider shall bill the third-party medical resource in accordance with § 1101.64 (relating to third-party medical resources (TPR)) before billing a Federal or State-funded program.

(e) If the HCBS is billable under the MA State Plan, a provider shall bill the program under the MA State Plan before billing the HCBS waiver or State-funded programs.

(f) The provider shall retain documentation of the third-party medical resource denial and billing attempts and submissions for an HCBS under the MA State Plan or a third-party medical resource agency for at least 5 years from the provider's State fiscal year-end.

(g) Payments made to a provider under the MA Program constitute payment in full to the provider.

(h) A provider who receives a supplemental payment other than room and board from the Department, the participant or another person for an HCBS shall return the supplemental payment to the payer.

(i) A provider shall comply with §§ 1101.63 and 1101.68 (relating to payment in full; and invoicing for services).

(j) The Department will only pay for HCBS in accordance with the approved applicable waiver and this chapter.

(k) The Department will recoup payments which are not made in accordance with this section.

§ 51.45. Provider billing.

(a) A provider shall submit claims in accordance with § 1101.68 (relating to invoicing for services).

(b) A provider shall use the Department's MMIS to submit claims.

(c) A provider shall only submit claims that are substantiated by documentation in the participant's record.

(d) A provider shall complete and maintain documentation on HCBS delivery in accordance with §§ 51.15 and 51.16 (relating to provider records; and progress notes).

§ 51.46. Audit requirements.

(a) A provider shall comply with audit requirements including:

(1) The Single Audit Act of 1984 (31 U.S.C.A. §§ 7501—7507).

(2) The revised OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations.

(3) Part 92 of 45 CFR (relating to uniform administrative requirements for grants and cooperative agreements to state, local, and tribal governments).

(4) Other applicable Federal and State audit requirements.

(b) A provider that is required to receive a Single Audit or an audit in accordance with 45 CFR 74.26 (relating to non-Federal audits) shall comply with the audit requirements.

(c) The Department or the Department's designee may request a provider to have the provider's auditor perform an attestation engagement in accordance with any of the following:

(1) Government Auditing Standards issued by the Comptroller General of the United States (Generally Accepted Government Auditing Standards).

(2) Standards issued by the Auditing Standards Board.

(3) Standards issued by the American Institute of Certified Public Accountants.

(4) Standards issued by the International Auditing and Assurance Standards Board.

(5) Standards issued by the Public Company Accounting Oversight Board.

(6) Standards of a successor organization to the organizations in paragraphs (1)—(5).

(d) The Department or the Department's designee may perform an attestation engagement in accordance with subsection (c).

(e) A Federal or State agency may request a provider to have the provider's auditor perform an attestation engagement in accordance with subsection (c).

(f) The Department may perform nonaudit services such as technical assistance or consulting engagements.

(g) The Department or the Department's designee may conduct a performance audit in accordance with the standards in subsection (c).

(h) The Department or the Department's designee a Federal agency or State agency may direct the provider to conduct a performance audit in accordance with the standards in subsection (c).

(i) A provider which is not required to have a Single Audit during the State fiscal year shall maintain records in compliance with subsection (c).

(j) The Department or the Department's designee may perform a fiscal review on a provider.

(k) Electronic records must be in accordance with § 51.15 (relating to provider records) and accessible to an auditing agency.

(l) A provider shall make audit documentation available, upon request, to authorized representatives of the Department.

(m) A provider shall preserve books, records and documents related to the State fiscal year for a period that is the greatest of the following:

(1) At least 5 years from the provider's State fiscal year-end.

(2) Until all opened audit issues are closed.

(3) As required under applicable Federal law.

(n) If a program is completely or partially terminated, the records relating to the terminated program shall be preserved and made available for at least 5 years from termination.

(o) A provider shall retain records that relate to litigation or the settlement of claims arising out of performance or expenditures under this program until the litigation, claim or exceptions have reached final disposition or for at least 5 years from the provider's State fiscal year-end, whichever is greater.

§ 51.47. Reporting requirements for ownership change.

(a) A change in ownership or control interest of 5% or more shall be reported in writing to the Department or the Department's designee at least 30 days prior to the date the change is to occur.

(b) If the provider is unable to report an ownership or controlling interest change at least 30 days prior to the date the change is to occur, the provider shall report the change as soon as possible, but no later than 2 business days after the change occurs.

(c) The notification to the Department or the Department's designee must include the following:

(1) The effective date of sale or change.

(2) A copy of the sales agreement or document that related to the change in controlling interest.

(3) A detailed explanation regarding why the provider was unable to report the change within 30 days as specified in subsection (a).

(d) If the provider fails to notify the Department or the Department's designee as specified in subsections (a)—(c), the provider forfeits payment in full for each day after the change occurred.

§ 51.48. Provider in the Adult Autism Waiver.

Sections 51.71—51.75 and 51.81—51.103 (relating to cost-based services; and cost-based allowable costs) do not apply to an HCBS provider in the Adult Autism Waiver.

FEE SCHEDULE SERVICES

§ 51.51. Fee schedule applicability.

Sections 51.52 and 51.53 (relating to fee schedule rate; and fee schedule rate reimbursement) apply to HCBS provided under the P/FDS, Consolidated or Adult Autism waiver.

§ 51.52. Fee schedule rate.

(a) Fee schedule rates are established using the following methodology:

(1) Market-based approach using the following cost considerations:

- (i) Wages for staff.
- (ii) Staff-related expenses.
- (iii) Productivity.
- (A) Indirect program expenses.
- (B) Administration-related expenses.
- (C) Geographical cost considerations.

(2) Review of approved HCBS definitions and determinations made about cost components which reflect costs that are necessary and related to the delivery of each HCBS.

(3) Use of independent data sources such as the Pennsylvania-specific compensation study and data from previously approved cost reports, as applicable.

(b) The Department will pay for fee schedule services at the rate determined by the Department.

(c) The Department will update the fee schedule rates under the MA Program fee schedule as a notice in the *Pennsylvania Bulletin*.

(d) Subsection (a)(1)(iii)(C) does not apply to a provider under the Adult Autism Waiver.

§ 51.53. Fee schedule rate reimbursement.

(a) A provider of a fee schedule service shall keep fiscal records as required under § 51.46 (relating to audit requirements).

(b) The following fee schedule services apply to HCBS in the Consolidated and P/FDS Waiver, providers of targeted services management and when a provider provides an HCBS to both waiver and base-funded participants in a waiver HCBS location for the following periods:

(1) For the period July 1, 2011, through November 14, 2011:

- (i) Nursing.
- (ii) Physical therapy.
- (iii) Occupational therapy.
- (iv) Speech and language therapy.
- (v) Behavior therapy.
- (vi) Visual/mobility therapy.
- (vii) Companion.
- (viii) Supplemental habilitation.
- (ix) Additional individualized staffing.
- (x) Older adult day habilitation.
- (xi) Behavior support.
- (xii) Supports broker.
- (xiii) Home finding.
- (xiv) Homemaker/chore.

(2) For the period beginning November 15, 2011:

- (i) Nursing.
- (ii) Physical therapy.
- (iii) Occupational therapy.

- (iv) Speech and language therapy.
- (v) Behavior therapy.
- (vi) Visual/mobility therapy.
- (vii) Companion.
- (viii) Supplemental habilitation.
- (ix) Additional individualized staffing.
- (x) Older adult day habilitation.
- (xi) Behavior support.
- (xii) Supports broker.
- (xiii) Home finding.
- (xiv) Homemaker/chore.
- (xv) Supports coordination.

(c) AWC/FMS HCBS billed on a fee schedule in accordance with the approved applicable waiver, including approved waiver amendments, must include the following HCBS:

- (1) Companion.
- (2) Home and community habilitation (unlicensed).
- (3) Supports broker.
- (4) Supported employment.
- (5) Unlicensed respite with the exclusion of respite camp.
- (6) Homemaker/chore.

(d) Changes in the list of HCBS under the MA Program fee schedule will be published as a notice in the *Pennsylvania Bulletin*.

(e) HCBS provided through the Adult Autism Waiver are a fee schedule HCBS in accordance with the approved Adult Autism Waiver.

(f) Subsections (b) and (c) do not apply to a provider of HCBS in the Adult Autism Waiver.

VENDOR GOODS AND SERVICES**§ 51.61. Vendor goods and services applicability.**

Section 51.62 (relating to vendor goods and services reimbursement) applies to HCBS provided as part of the Consolidated, P/FDS and Adult Autism Waivers and when a provider provides an HCBS to both waiver and base-funded participants from a waiver HCBS location as specified in the approved applicable waiver, including approved waiver amendments.

§ 51.62. Vendor goods and services reimbursement.

(a) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Vendor—A company that sells goods and services to the general public that also agrees to sell those goods or services to a participant at the same cost they charge to the general public.

Vendor goods and services—A type of service that is offered to the general public and a participant.

(b) In accordance with the approved applicable waiver, including approved waiver amendments, vendor goods and services include the following in the Consolidated and P/FDS Waiver:

- (1) Public and mile transportation.
- (2) Education support.
- (3) Home accessibility adaptations.

- (4) Vehicle accessibility adaptations.
- (5) Assistive technology.
- (6) Respite camp.
- (7) Specialized supplies

(c) In accordance with the approved applicable waiver, including approved waiver amendments, vendor goods and services include the following in the Adult Autism Waiver:

- (1) Community transition.
- (2) Assistive technology.
- (3) Environmental modification.

(d) The Department will publish changes to vendor goods and services as a notice in the *Pennsylvania Bulletin*.

(e) For a provider of a vendor goods and services to receive payment directly from the Department, the vendor shall meet the requirements in §§ 51.11 and 51.13 (relating to prerequisites for participation; and ongoing responsibilities of providers).

(f) A provider of a vendor goods and services may only include administrative expenses in the cost of the vendor goods and services when the following are met:

- (1) The amount does not exceed \$25 or 15% of the cost of the good or service, whichever is less.
- (2) The administrative activity performed must be required for the provider to deliver the vendor goods or services to a participant.
- (3) A provider of a vendor goods and services shall document the activity that supports the administrative expense included in the cost of the vendor goods and services.

(g) A provider of vendor goods and services may not be reimbursed for rendering vendor goods and services if it contracts with an entity or participant who is listed on the LEIE, EPLS or Medichex list.

(h) A provider of vendor goods and services may not be reimbursed for rendering vendor goods and services if it contracts with a provider or individual who employs staff that are listed on the LEIE or EPLS.

(i) A provider of vendor goods and services is responsible for ensuring that each subcontractor with which it contracts meets the applicable provisions of this chapter and the HCBS is rendered in accordance with the approved applicable waiver, including approved waiver amendments.

(j) A vendor shall provide the SCO, the Department or the Department's designee with a signed statement that attests that the:

- (1) Cost of the vendor goods or services is the same cost charged to the general public.
- (2) Amount added to the cost for administration expenses is in accordance with the Department's requirements in subsection (f)(1)—(3).

(k) The Department or the Department's designee may review documentation of a provider of vendor goods and services at any time.

(l) Subsections (b) and (f) do not apply to a provider of HCBS in the Adult Autism Waiver.

(m) Subsection (c) does not apply to a provider of HCBS in the Consolidated and P/FDS Waivers.

COST-BASED SERVICES

§ 51.71. Definitions.

The following words and terms, when used in §§ 51.72—51.75, have the following meaning, unless the context clearly indicates otherwise.

Area adjusted average—The assigned rate for an HCBS based on a designated geographical area and mathematical formula.

Cost of Living Adjustment—An annual adjustment, as appropriated by the General Assembly, applied to a provider's total unit costs.

SSD—Services and Supports Directory—An online database of HCBS providers by geographical area.

§ 51.72. Cost-based rate assignment.

(a) The following HCBS are cost-based services for the Consolidated and P/FDS Waivers, providers of targeted services management and when a provider provides an HCBS to both waiver and base-funded participants from a waiver service location for the following periods as specified in the approved applicable waiver:

- (1) For the period July 1, 2011, through November 14, 2011:
 - (i) Residential habilitation (eligible and ineligible).
 - (ii) Transportation trip.
 - (iii) Transportation per diem.
 - (iv) Supports coordination.
 - (v) Home and community habilitation (unlicensed).
 - (vi) Licensed day habilitation under Chapter 2380 (relating to adult training facilities).
 - (vii) Prevocational.
 - (viii) Supported employment.
 - (ix) Transitional work.
 - (x) Respite, excluding respite camp.
- (2) For the period beginning November 15, 2011:
 - (i) Residential habilitation (eligible and ineligible).
 - (ii) Transportation trip.
 - (iii) Transportation per diem.
 - (iv) Home and community habilitation (unlicensed).
 - (v) Licensed day habilitation under Chapter 2380.
 - (vi) Prevocational.
 - (vii) Supported employment.
 - (viii) Transitional work.
 - (ix) Respite, excluding respite camp.

(b) Changes in the list of HCBS as cost-based services will be published as a notice in the *Pennsylvania Bulletin*.

(c) A provider shall be assigned a cost-based rate for an existing service and service location if the following apply:

- (1) The provider is currently billing and is reimbursed for a service that is a cost-based service.
- (2) A provider is signed up for both the service and service location in the SSD.
- (3) A provider submitted both the service and service location in its approved cost report.
- (d) A provider shall be assigned the average of the provider's cost-based rates for an existing service at a

new service location if the provider has an approved cost-based rate at another service location.

(e) A provider shall be assigned the area adjusted average of provider cost-based rates for new HCBS if:

(1) The cost report of the provider did not contain the new HCBS because the HCBS was not delivered during the reporting period.

(2) A provider is a new provider who was not delivering HCBS during the reporting period of the cost report.

(f) A provider shall be assigned the lowest rate calculated Statewide based on all provider cost reports for HCBS if a provider was required to submit a cost report and failed to submit a cost report.

(g) A provider who is required to submit an audit who then fails to submit an audit shall receive the lowest rate calculated Statewide.

(h) A provider who submits an audit which indicates the information in the cost report requires adjustment and the provider does not submit a revised cost report, the provider shall be assigned the lowest rate calculated Statewide.

(i) A provider that chooses to not submit a cost report or the cost report the provider submitted is not approved will be assigned the lowest rate calculated Statewide for each cost-based services the provider provides.

§ 51.73. Cost report requirements.

(a) A provider of cost-based services shall submit a cost report as instructed by the Department.

(b) A provider who has one Master Provider Index number shall submit one cost report for that Master Provider Index number.

(c) A provider with multiple Master Provider Index numbers may submit one cost report for all of its Master Provider Index numbers or one cost report for each Master Provider Index number.

(d) Information on the cost report must meet the following:

(1) The cost report must accurately reflect:

- (i) The actual cost of the HCBS provided.
- (ii) The allowable administration fee for the HCBS provided.

(2) An allowable cost must meet the requirements in § 51.81 (relating to allowable costs).

(e) A cost report or a cost report addenda must:

(1) Comply with the Department's cost report instructions.

(2) Be consistent with this chapter.

(3) Be on a form prescribed by the Department.

(4) Be submitted to the Department by the provider on or before the last business day in the second week of November for nontransportation cost-based services and on or before the last business day in the third week of February for transportation cost-based services as provided in the cost report instructions.

(f) A provider shall do the following to obtain approval of a cost report:

(1) Submit a completed cost report by the due date established by the Department as indicated in the cost

report instructions. The cost report must contain information for the development of a cost-based rate as required under this section.

(2) Pass the Department's desk review process.

(3) Include an audit, if required under § 51.46 (relating to audit requirements).

(4) Submit a revised cost report if a provider's audited financial statement differs from a provider's cost report.

(g) When applicable, a provider of a cost-based service shall allocate allowable costs, both eligible and ineligible appropriately in accordance with OMB Circular A-122 or any approved revisions to the OMB Circular A-122.

(h) The Department or the Department's designee will review the cost report for completeness and accuracy based on the Department's cost report instructions.

(i) The Department will use the cost-based rate-setting methodology to establish a rate for cost-based services for each provider with an approved cost report.

(j) The Department will publish the cost-based rate-setting methodology as a public notice in the *Pennsylvania Bulletin*.

(k) The Department will use the providers' approved cost report as the initial factor in the rate setting methodology to develop the allowable costs for cost-based services.

§ 51.74. Approval of a cost-based rate for nontransportation HCBS.

To establish a cost-based rate, the Department will:

(1) Utilize cost data submitted by providers on the standardized cost report developed by the Department.

(2) Review each cost report to ensure the cost report is completed in accordance with § 51.73 (relating to cost report requirements).

(3) Adjust current cost report information based on any changes in the service definitions in the approved applicable waiver, including approved waiver amendments, from the prior cost reporting period.

(4) Identify provider cost reports which are an outlier in comparison to other cost reports submitted. An outlier occurs when the cost report information is at least one standard deviation outside the average unit cost.

(5) Review the outlier information by identifying the average of the unit costs and determining how far above or below the standard deviation they fall.

(6) From July 1, 2011, through June 30, 2012, unit costs flagged as outliers that are determined to be within 5% of the provider's prior year rate for an HCBS will be used to determine the cost-based rate.

(7) From July 1, 2011, through June 30, 2012, the Department will review unit costs flagged as outliers that are not within 5% of the provider's prior year rate for an HCBS and these costs will undergo further review as follows:

(i) If the outlier unit costs are justified by the review, the outlier rate will be accepted.

(ii) If the outlier unit costs are not justified by the review, the outlier rate will be adjusted to be within the standard deviation.

(8) Prior to the effective date of rates, the Department will publish the methodology for calculating unit costs that includes the outlier review process and rate assignment process as a notice in the *Pennsylvania Bulletin*.

(9) The Department may apply a cost of living adjustment during the rate development and assignment process.

(10) A rate adjustment factor may be applied during the rate development and assignment process.

(11) Prior to rates being established each fiscal year, the outlier analyses, cost of living adjustment and a rate adjustment factor are calculated and may be applied to all cost-based rates.

(12) The Department will publish changes in the rate-setting methodology, including the cost report review, outlier analyses, vacancy factor, rate adjustment factor and rate assignment process, as a notice in the *Pennsylvania Bulletin*.

(13) The cost-based rate for the residential habilitation service includes necessary household goods and furniture provided for the participant.

(14) A vacancy factor shall be applied to finalize a provider's residential rate.

(15) A provider may request additional staffing costs above what is included in the approved cost report rate for current staffing if there is a new participant entering the program that has above average staffing needs.

(16) If a provider did not submit a cost report, the lowest rate calculated Statewide will be assigned for the HCBS offered in the SSD. If there was a new provider that started HCBS and did not have historical experience, the area average rate will be assigned.

§ 51.75. Approval of a cost-based rate for transportation.

A cost-based rate for transportation is established as follows:

(1) From July 1, 2011, through November 14, 2011, the Department will use data in the Year 2 transportation cost reports (Version 5.0 SFY 2008-2009 Historical Expense Period) submitted by providers and approved by the Department when the procedure codes in the transportation cost reports were the same as those entered in the SSD as of February 2010.

(2) From November 15, 2011, through June 30, 2012, the Department will use data in the Year 3 transportation cost reports (Version 6.0 SFY 2009-2010 Historical Expense Period) submitted by providers and passed the Department's desk review, when available, when the procedure codes in the transportation cost reports were the same as those entered in the SSD as of January 2011.

(3) The Department will review unit costs on a provider transportation cost report that are at the upper or lower end of the range of unit cost for each transportation trip service. When there is an exact match between the procedure code reported on the cost report and the procedure code in the SSD, and the provider was not at the upper or lower end of the range of unit cost, the cost-based rate will be assigned.

(4) If there was not an exact match between the cost report and SSD, the area-average rate will be assigned to the HCBS offered in the SSD but not reported on the cost report.

(5) If the transportation provider did not submit a cost report, the lowest rate calculated Statewide will be assigned for the HCBS offered in the SSD. If there was a new provider that started HCBS and did not have historical experience, the area average rate will be assigned.

COST-BASED ALLOWABLE COSTS

§ 51.81. Allowable costs.

(a) The allowable cost must be the best price made by a prudent buyer.

(b) Costs must relate to the administration or provision of the HCBS.

(c) Costs must be allocated and distributed to various HCBS or other lines of business among cost categories in a reasonable and fair manner in proportion with the benefits provided to the HCBS or other lines of business among cost categories.

(d) To be an allowable cost under this chapter, the cost must be documented and meet the following:

(1) Be reasonable for the performance of the HCBS.

(2) Conform to any limitations or exclusions in the regulation in accordance with the requirements in the approved applicable waiver, including approved waiver amendments.

(3) Be consistent with policies and procedures that apply uniformly to both Federally-funded and other activities of the organization.

(4) Be determined in accordance with GAAP as a notice in the *Pennsylvania Bulletin*.

(5) Not be included as a cost or used to meet cost sharing or matching requirements of any other Federally-financed program in either the current or a prior period adjustment.

(e) Transactions involving allowable costs between related parties shall be disclosed to the Department on the cost report.

(f) A cost not listed in this chapter is not an allowable cost.

(g) Effective July 1, 2011, through June 30, 2012, allowable costs that are ineligible may be included in the cost report as instructed.

§ 51.82. Revenues that off-set allowable costs.

(a) A provider shall report donations and contributions according to the following:

(1) List unrestricted cash donations which benefit the direct or indirect expenditures on the cost report as income.

(2) Reduce gross eligible expenditures in arriving at the amount eligible for Departmental participation by the amount of the donation or contribution.

(3) Fully disclose noncash donations to include estimated value and intended use of the donated item.

(4) Treat the proceeds from the sale of a donated item as a cash donation when the donated item is sold rather than used in the HCBS program.

(b) If a donated item is used in an HCBS program, the provider shall claim an expense and offsetting revenue on the donated or contributed item.

(c) A restricted gift used for HCBS may include eligible or ineligible costs to receive the restricted gift.

(d) When a provider solicits for donations, the provider shall publicly identify the purpose for which contributions are solicited and their restricted use, if any.

(e) To receive the donation or gift, the provider shall adhere to the donor's intent for the gift.

§ 51.83. Bidding and procurement.

(a) The provider shall obtain supplies and HCBS at the lowest cost and use a system of competitive bidding or written estimates for any supply and HCBS over \$5,000.

(b) Fixed assets for which the contracted agency will hold the title shall be obtained at the lowest cost. Provisions for accomplishing this objective are competitive bidding and written estimates. Should sole source purchases be necessary, a provider is required to obtain and maintain records supporting the justification for the sole source purchase.

§ 51.84. Management fees.

A cost included in a provider's management fees must meet the standards under § 51.81 (relating to allowable costs).

§ 51.85. Consultants and contracted personnel.

(a) The cost of an independent consultant and contracted personnel necessary for the administration or provision of an HCBS is an allowable cost.

(b) A provider shall have a written agreement with a consultant or contracted personnel which must include the following:

(1) The administration or provision of HCBS to be provided.

(2) The method of payment.

(c) The provider shall not include benefits as an allowable cost for contracted staff.

§ 51.86. Corporate boards.

(a) The Department will not participate in wage compensation for members of boards.

(b) Allowable expenses for board members includes payments for actual expenses incurred in connection with meetings and authorized work of the board and the following:

(1) Meals.

(2) Lodging.

(3) Transportation.

(4) Liability insurance coverage for claims against board members that were a result of the board members acting in their official duties.

(5) Training expenses related to the delivery of HCBS.

§ 51.87. Staff development.

The Department will allow the cost of staff training or the cost of continued training to the extent that the training is related to the delivery or improvement of an HCBS.

§ 51.88. Staff recruitment.

The cost incurred in staff recruitment activity is an allowable cost as follows:

(1) Informational mailings to recruit potential staff.

(2) Informational mailings to prospective staff, upon request by a participant or family member.

(3) Job fairs.

(4) Creation and maintenance of web sites providing information.

(5) Responses to participant and family member inquiries regarding recruiting potential staff.

(6) Market research.

(7) Advertisements.

§ 51.89. Travel.

(a) Travel costs related to supporting the administration or provision of an HCBS are allowable and include the following:

(1) Transportation.

(2) Lodging.

(3) Meals.

(b) A provider shall ensure the transportation cost is limited to the Department-established travel reimbursement provisions.

§ 51.90. Supplies and rental of equipment.

(a) The purchase of supplies and equipment are allowable costs in accordance with OMB Circular A-122.

(b) A provider claiming supplies or equipment as an allowable cost shall only claim supplies or equipment used in the normal course of business.

(c) Rental of program equipment or furnishings are allowable costs if normal usage does not warrant its purchase or if renting is more cost-efficient.

(d) A provider shall ensure equipment not expensed in the current fiscal year is depreciated by using the straight line method of depreciation.

§ 51.91. Communications.

Communication and supply costs to support the administration or provision of an HCBS are allowable costs, which include the following:

(1) Telephone—conventional and cellular.

(2) Internet connectivity.

(3) Digital imaging.

(4) Postage.

(5) Stationery.

(6) Printing.

§ 51.92. Rental of administrative, residential and nonresidential buildings.

(a) The cost of a building or office rented or leased from a related or unrelated party for a programmatic purpose for an HCBS is an allowable cost, subject to the following:

(1) A provider shall ensure a new lease with an unrelated party contains a provision that the cost of rent may not exceed the rental charge for similar space in that geographical area.

(2) A provider shall ensure that under a lease with a related party the cost of rent is limited to the lessor's actual allowable costs, as provided in § 51.96 (relating to capital assets—administrative and nonresidential buildings).

(3) A provider shall ensure the rental cost under a sale-leaseback transaction, as described in FASB Accounting Standards Codification Section 840-40, as may be amended or superseded by FASB, or any successor organization, is only considered an allowable cost up to the amount that would have been allowed had the provider continued to own the property.

(b) The allowable cost amount may include an expense for the following:

(1) Maintenance.

(2) Real estate taxes, as limited by § 51.93 (relating to other occupancy and allocated occupancy expenses).

(c) A provider shall only include expenses related to the minimum amount of space necessary for the provision of the HCBS.

(d) A rental cost under a lease which is required to be treated as a capital lease under FASB Accounting Standards Codification Section 840-10-25-1, as may be amended or superseded by FASB or a successor organization, is allowable up to the amount that would have been allowed had the provider purchased the property on the date the lease agreement was executed. An unallowable cost includes an amount paid for the following:

- (1) Profit.
- (2) Management fee.
- (3) A tax not incurred had the provider purchased the facility.

§ 51.93. Other occupancy and allocated occupancy expenses.

- (a) The following are considered allowable costs:
 - (1) The cost of a required occupancy-related tax and payment made instead of a tax.
 - (2) An associated occupancy cost charged to a given service location. The provider shall ensure the cost is prorated in direct relation to the amount of space utilized by the service location.
 - (3) The cost of an occupancy-related tax or payment made instead of a tax, if it is stipulated in a lease agreement.
 - (4) The cost of a required occupancy permit.
- (b) A provider shall maintain documentation in accordance with § 51.46 (relating to audit requirements) that a utility charge is at fair market value.
- (c) The cost of real estate taxes, net of rebates or discounts available to the provider, whether taken or not, is an allowable cost.
- (d) The cost of a penalty resulting from a delinquent tax payment, including a legal fee, is not an allowable cost.

§ 51.94. Fixed assets.

- (a) A fixed asset is an allowable cost.
- (b) A provider shall determine whether an allowable fixed asset shall be capitalized, depreciated or expensed under the following conditions:
 - (1) The maximum allowable fixed asset threshold as defined in the OMB Circular A-122 or subsequent updates.
 - (2) Purchases below the maximum allowable fixed asset threshold shall be expensed.
- (c) A provider shall select the method used to determine the amount of depreciation charged in that year for the year of acquisition.
- (d) A provider shall include depreciation based on the number of months or quarters the asset is in service or a half-year or full-year of depreciation expense.
- (e) A provider may not change the method or procedure, including the estimated useful life and the convention used for an acquisition, for computing depreciation without prior written approval from the Department.
- (f) A provider acquiring a new asset shall have the asset capitalized and depreciated in accordance with GAAP. The provider shall continue using the depreciation

method previously utilized by the provider for assets purchased prior to July 1, 2011.

- (g) A provider shall retain the following:
 - (1) The title to any fixed assets which are depreciated.
 - (2) The title to any fixed assets which are expensed or loans amortized using Department funding.
- (h) A provider shall use income received when disposing of fixed assets to reduce gross eligible expenditures in determining the amount eligible for Departmental participation as determined by the cost report.
 - (i) A provider in possession of a fixed asset shall do the following:
 - (1) Maintain a fixed asset ledger or equivalent document.
 - (2) Utilize reimbursement for loss, destruction or damage of a fixed asset by using the proceeds towards eligible waiver program expenditures.
 - (3) Perform an annual physical inventory at the end of the funding period or State fiscal year. An annual physical inventory is performed by conducting a physical verification of the inventory listings.
 - (4) Document discrepancies between physical inventories or fixed asset ledgers.
 - (5) Maintain inventory reports and other documents in accordance with § 51.46 (relating to audit requirements).
 - (6) Offset the provider's total depreciation expense in the period in which the asset was sold or retired from service by the gains on the sale of assets.
 - (j) The cost basis for depreciable assets must be determined and computed as follows:
 - (1) The purchase price if the sale was between unrelated parties.
 - (2) The seller's net book value at the date of transfer for assets transferred between related parties.
 - (3) The cost basis for assets of an agency acquired through stock purchase will remain unchanged from the cost basis of the previous owner.
- (k) Participation allowance is permitted up to 2% of the original acquisition cost for fully depreciated fixed assets.
 - (1) Participation allowances can only be taken for as long as the asset is in use.
 - (2) Participation amounts must be used for maintaining assets, reinvestment in the program or restoring the program due to an unforeseen circumstance.
 - (3) Depreciation and participation allowance cannot be expensed at the same time for the same asset.

- (l) Participation allowance is permitted up to 2% of the original acquisition cost for fully depreciated fixed assets.
 - (1) Participation allowances can only be taken for as long as the asset is in use.
 - (2) Participation amounts must be used for maintaining assets, reinvestment in the program or restoring the program due to an unforeseen circumstance.
 - (3) Depreciation and participation allowance cannot be expensed at the same time for the same asset.

§ 51.95. Motor vehicles.

- (a) The Department will pay for the cost of the purchase or lease of motor vehicles and the operating costs of the vehicles.
- (b) The Department will pay for the cost of the purchase or lease of motor vehicles according to the following:
 - (1) The Department will participate in the cost of motor vehicles through depreciation, expensing or amortization of loans for the purchase. The Department will limit depreciation or lease payments, or both, in accordance with the annual limits established under section 280F of the Internal Revenue Code (26 U.S.C.A. § 280F).

(2) A provider shall maintain a daily log detailing the use, maintenance and services activities of vehicles.

(3) Cost differentials between leasing and purchase of vehicles shall be explored and the most feasible economic alternative selected. Documentation showing the options that were explored shall be maintained.

(4) The personal use of a provider's motor vehicles used by staff is prohibited unless a procedure for payback is established and the staff reimburses the program for the personal use of the motor vehicle.

§ 51.96. Capital assets—administrative and nonresidential buildings.

(a) An administrative or nonresidential building acquired prior to June 30, 2009, that is in use for which a provider has an outstanding original loan with a term of 15 years or more is an allowable cost for the provider to continue to claim principal and interest payments for the administrative or nonresidential building over the term of the loan.

(b) A provider shall ensure a down payment made as part of the asset purchase must be considered part of the cost of the administrative or nonresidential building or capital improvement and depreciated over the useful life of the administrative or nonresidential building or capital improvement.

(c) A provider shall receive prior written approval from the Department for a planned major renovation of an administrative or nonresidential building with a cost above 25% of the original cost of the administrative or nonresidential building being renovated.

(d) A provider shall use the depreciation methodology in accordance with § 51.94 (relating to fixed assets).

(e) A provider may not claim a depreciation allowance on an administrative or nonresidential building that is donated.

(f) If an administrative or nonresidential building is sold or the provider no longer provides an HCBS at the administrative or nonresidential building, the Department shall recoup the funded equity either directly or through rate setting. The provider shall be responsible for calculating the amounts reimbursed and the amounts shall be verified by an independent auditor. As an alternative to recoupment, with Department approval, the provider can reinvest the reimbursement amounts from the sale of the administrative or nonresidential building into any capital asset used in the program.

(g) The title of any administrative or nonresidential building acquired and depreciated shall remain with the enrolled provider.

§ 51.97. Capital assets—residential buildings.

For a provider owning new or existing residential buildings, the following shall apply for the costs of the residential buildings to be an allowable cost:

(1) A provider shall ensure an allowable cost for a capital asset for a residential building acquired prior to July 1, 2011, is governed by applicable agreements in place at the time of purchase.

(2) A provider shall depreciate a capital improvement of a residential building or land identified over the estimated useful life of the residential building or improvements using the straight line method of depreciation.

(3) A down payment made by the provider as part of the asset purchase shall be considered part of the cost of

the residential building or capital improvement and depreciated over the useful life of the residential building or capital improvement.

(4) A provider shall receive written approval from the Department prior to a planned major renovation of a residential building with a cost above 25% of the original cost of the residential building being renovated.

(5) If a residential building is sold or the provider no longer provides an HCBS in that residential building, the Department shall recoup the funded equity either directly or through rate setting. The provider shall be responsible for calculating the amounts reimbursed and the amounts shall be verified by an independent auditor. As an alternative to recoupment, with Department approval, the provider can reinvest the reimbursement amounts from the sale of the residential building into any capital asset used in the program.

(6) The title of any residential building acquired and debt-free shall remain with the enrolled provider.

§ 51.98. Residential habilitation vacancy.

(a) From July 1, 2011, through November 14, 2011, the Department's residential habilitation vacancy policy consists of the following:

(1) Payments to residential habilitation service providers operating waiver service locations for an unlimited number of medical leave days per participant each fiscal year are as follows:

(i) The first day of absence for medical leave is the date the participant is admitted to the medical facility regardless of the length of the absence.

(ii) The last day of the medical leave is the day before the date of discharge from the medical facility.

(iii) On the date of discharge, the HCBS is considered a residential habilitation service day, not a medical leave day, regardless of the number of hours the residential habilitation service is provided on that day.

(2) Payments to residential habilitation service providers operating waiver HCBS locations for up to 48 days of therapeutic leave per participant each State fiscal year. The first day of absence for therapeutic leave is defined as 12 to 24 hours of continuous absence within a 24-hour period between 12:00 a.m. and 11:59 p.m. when the participant is not accompanied by or receiving HCBS from the residential habilitation service provider.

(3) Payments to licensed residential habilitation providers under Chapters 3800, 5310 and 6400 (relating to child residential and day treatment facilities; community residential rehabilitation services for the mentally ill; and community homes for individuals with mental retardation) will be made for permanent vacancies for participants enrolled in the Consolidated Waiver up to 60 days unless the provider uses the permanent vacancy for an alternative purpose.

(b) From November 15, 2011, through June 30, 2012, the Department will make payments to residential habilitation service providers for therapeutic and medical leave days up to a combined maximum of 60 days per participant, per fiscal year.

(c) From November 15, 2011, through June 30, 2012, the Department will provide payments to licensed residential habilitation service providers under Chapters 3800, 5310 and 6400 up to a maximum of 30 days per participant per State fiscal year for a permanent vacancy that occurs in the licensed residential habilitation community home.

(d) The Department will establish a vacancy factor for all waiver residential habilitation services by publication of a notice in the *Pennsylvania Bulletin*.

(e) The vacancy factor for residential habilitation services shall be managed by the provider across all the provider's residential habilitation service locations.

(f) A provider may submit a request for a waiver to the Department under § 51.34 (relating to waiver of a provision of this chapter) for exception to the vacancy factor when a provider's total vacancy amount for waiver residential HCBS locations exceeds the vacancy factor.

(g) To submit a request for a waiver under § 51.34 to the Department for exception to the vacancy factor, the provider shall do the following:

(1) Demonstrate that without being granted an exception to the vacancy factor the provider's continued operation is jeopardized. This demonstration shall be based on actual utilization data from the provider's waiver residential habilitation service locations to show that leave days resulting from hospital and rehabilitation care for all residential sites the provider operates falls below the vacancy factor set by the Department.

(2) Describe the financial impact to the provider if a vacancy exception is not approved. The financial impact must include:

- (i) The information related to personnel expenses.
- (ii) The need for borrowing above historic numbers.
- (iii) The impacts on a provider's ability to fulfill ISP requirements.

(3) Explain the circumstances related to vacancies and revenue the provider has received for rendering another service in the vacancies.

(h) Approval of the request for a waiver under § 51.34 to the Department for exception to the vacancy factor will be at the sole discretion of the Department.

(i) A provider may not have a policy that limits the leave days to a participant.

(j) A provider may not discuss the vacancy factor with a participant or the participant's family.

(k) A provider may not initiate a discharge of a participant due to the participant's vacancy from the program until after the provider has contacted the Department to discuss and resolve the provider's concern related to the vacancy.

(l) A provider shall comply with reserved capacity requirements in the approved applicable waiver, including approved waiver amendments.

(m) A provider shall cooperate with the Department or the Department's designee when a participant is identified in reserved capacity to ensure the participant can return to the waiver residential habilitation service location in accordance with the reserved capacity timelines in the approved applicable waiver, including approved waiver amendments.

§ 51.99. Indirect costs.

(a) Indirect costs are allowable costs if the following criteria are met:

(1) The provider shall have a cost allocation plan.

(2) Costs are authorized in accordance with OMB Circular A-122 and § 51.81 (relating to allowable costs).

(b) A provider shall consider the actual circumstances impacting the expense when determining how to allocate the expense to each benefiting HCBS or function.

(c) If a cost is identified as an indirect cost, the cost will remain an indirect cost as long as circumstances remain unchanged.

(d) A provider shall select an allocation method to assign an indirect cost which must comply with the following:

(1) The method is best suited for assigning a cost with a benefit derived.

(2) The method has a traceable cause and effect relationship.

(3) The method is based on logic and reason when neither the cause nor the effect of the relationship is determinable.

(e) A provider shall allocate a general expense in a cost group which is more general in nature which produces a result that is equitable to both the Department and the provider.

(f) The Department may request the allocation method be reviewed by an auditor.

§ 51.100. Moving expenses.

(a) With prior written approval from the Department or the Department's designee, the actual cost associated with the relocation of a waiver service location is an allowable cost.

(b) Moving expenses for a participant's move are an allowable cost provided that the provider notifies and receives the Department's or the Department's designee authorization prior to the participant moving.

§ 51.101. Interest expense.

Interest cost of short-term borrowing from an unrelated party to meet actual cash flow requirements for the administration or provision of an HCBS is an allowable cost.

§ 51.102. Insurance.

The cost of insurance is an allowable cost if it is limited to the minimum amount needed to cover the loss or provide for replacement value. Cost of insurance includes the following:

- (1) General liability.
- (2) Casualty.
- (3) Property.
- (4) Theft.
- (5) Burglary insurance.
- (6) Fidelity bonds.
- (7) Rental insurance.
- (8) Flood insurance, if required.
- (9) Errors and omissions.

§ 51.103. Other allowable costs.

(a) The following fees and costs are allowable costs if they are related to the administration of HCBS:

(1) Legal fees with the exception of those listed in subsection (b).

(2) Accounting fees, including audit fees.

(3) Information technology costs.

(4) Membership dues.

(b) Legal fees for prosecution of claims against the Commonwealth and expenses incurred for claims against the Commonwealth are not allowable costs unless the provider prevails at the hearing.

START-UP COSTS

§ 51.111. Start-up costs.

(a) The Department will participate in start-up costs for residential habilitation service providers in accordance with SOP 98-5 issued by the American Institute of Certified Public Accountants or a statement of position that supersedes the current position.

(b) Start-up costs are contingent on Federal approval of a waiver or available State-only funds within the waiver appropriation.

(c) The Department shall recoup start-up costs if the residential habilitation service location is sold within a 5-year period. As an alternative to recoupment, with Department approval, the provider can reinvest the reimbursement amounts from the start-up funds into any capital asset used in the program.

(d) Start-up costs that have been reimbursed by the Department shall be reported as income.

(e) Start-up costs within the scope of SOP 98-5 need to be expensed as they are incurred, rather than capitalized.

(f) Start-up costs will be capped at \$5,000 per new participant to the provider.

(g) Start-up costs defined to be outside the scope of SOP 98-5 shall include the following:

(1) Costs of acquiring or constructing long-lived assets and preparing them for intended uses.

(2) Costs of acquiring or producing inventory.

(3) Costs of acquiring intangible assets.

(4) Costs related to internally developed assets.

(5) Costs that are within the scope of FASB Statement No. 2, Accounting for Research and Development Costs (superseded by FASB Accounting Standards Codification Section 730) and FASB Statement No. 71, Accounting for the Effects of Certain Types of Regulation (superseded by FASB Accounting Standards Codification Section 980) available at <http://cpaclass.com/gaap-accounting-standards/codification-900/asc-codification-900-index.htm>.

(6) Costs of raising capital.

(7) Costs incurred in connection with existing contracts as stated in paragraph 75d of AICPA Statement of Position No. 81-1, Accounting for Performance of Construction-Type and Certain Production Type Contracts (SOP 81-1) (superseded by FASB Accounting Standards Codification Section 605-35-25-41).

ROOM AND BOARD REQUIREMENTS FOR RESIDENTIAL HABILITATION SERVICES

§ 51.121. Room and board.

(a) A provider shall cooperate with monitoring of room and board charges and collections conducted by the Department or the Department's designee.

(b) If a participant is not currently receiving SSI benefits, assistance shall be provided to the participant to contact the appropriate county assistance office so that the participant can obtain benefits.

(c) If a participant is denied benefits, the provider shall assist the participant in filing an appeal if desired.

(d) If actual room and board costs are 72% or more of the SSI maximum rate, the Department will use the following criteria to establish room and board rates:

(1) A participant's share of room and board shall not exceed 72% of the SSI maximum rate.

(2) The proration of board costs is to occur for every day the participant is on leave from the residence. This proration can occur monthly, quarterly or semiannually as long as there is a record that the board costs were returned to the participant for every day of leave.

(e) If a participant has earned wages, personal income from inheritance, Social Security or other types of income, the agency provider may not assess the room and board cost for the participant in excess of 72% of the SSI maximum rate.

(f) If available income for a participant is less than the SSI maximum rate, the provider shall charge 72% of the participant's available monthly income as the participant's monthly obligation for room and board.

(g) A participant shall receive at least the monthly amount as established by the Commonwealth and the Social Security Administration for the participant's personal needs allowance.

(h) If actual room and board charges to a participant are less than 72% of the SSI maximum rate, the agency provider shall retain the following documentation:

(1) The actual value of the room and board is less than 72% of the current maximum SSI monthly benefit.

(2) The Social Security Administration's denial of the participant's initial application for SSI benefits, but also the upholding of the initial denial as a result of at least one appeal.

(i) The provider shall assist the participant to secure information regarding the continued eligibility benefits of the participant.

(j) There may not be a charge for room and board to the participant for respite care if respite care is provided for 30 or fewer days in a State fiscal year.

(k) There may not be a charge for room and board to the participant from the waiver after 30 consecutive days of being in a hospital or rehabilitation facility and the participant is placed in reserved capacity.

(l) The provider shall collect the room and board from the participant or representative payee directly and shall not delegate that responsibility.

(m) There may be no charge for board to the participant if the participant is tube-fed and takes nothing by mouth.

§ 51.122. Room and board contract.

(a) A Department-approved room and board contract shall be used by a provider for a participant receiving a residential habilitation service.

(b) A provider shall ensure a standard room and board contract is signed and complete for a participant as specified in subsection (a) on an annual basis.

§ 51.123. Actual room and board costs.

(a) A provider shall ensure the total amount charged for room and board to a participant does not exceed the actual documented value of room and board provided to the participant.

(b) A provider shall compute and document actual room and board costs each time a participant signs a new standard room and board contract under § 51.122 (relating to room and board contract).

(c) A provider shall keep documentation of actual room and board costs on file.

§ 51.124. Modifications to the room and board contract.

(a) If a participant pays rent directly to a landlord, but food is supplied through a provider, “room” shall be deleted from the room and board contract and the following shall apply:

(1) The participant shall pay 32% of the SSI maximum rate for board.

(2) If a participant’s income is less than the SSI maximum rate, 32% of the available income shall be charged to fulfill the participant’s monthly obligations for board.

(b) If a participant pays rent to a provider, but the participant purchases the participant’s own food, “board” shall be deleted from the room and board contract and the following shall apply:

(1) The participant shall pay 40% of the SSI maximum rate for room.

(2) If a participant’s income is less than the SSI maximum rate, 40% of the available income shall be charged to fulfill the participant’s monthly obligations for room.

§ 51.125. Completing and signing the room and board contract.

(a) If a participant is adjudicated incompetent to handle finances, the participant’s surrogate shall sign the room and board contract.

(b) If a participant is 18 years of age or older and is not the representative payee for the participant’s benefits, the representative payee and the participant shall sign the room and board contract.

(c) The written room and board contract shall be completed and signed in accordance with one of the following:

(1) Prior to a participant’s admission to a residential habilitation service location.

(2) Prior to a participant’s transfer from one residential habilitation service location or provider to another residential habilitation service location or provider.

(3) Within 15 days after an emergency residential habilitation service location placement.

§ 51.126. Copy of room and board contract.

(a) A copy of the completed and signed room and board contract shall be given to the participant or participant’s surrogate under § 51.125(a) (relating to completing and signing the room and board contract).

(b) A copy of the completed and signed room and board contract shall be maintained in the participant’s record at the agency provider.

§ 51.127. Delay in a participant’s income.

If a portion or all of the participant’s income is not received for a month or more, the following apply:

(1) The requirements for the completion and signing of the Department-approved room and board contract under §§ 51.121—51.126 shall be fulfilled.

(2) The participant shall be informed in writing that payment is not required or only a small amount of room and board payments will be required until retroactive monthly benefits are received.

(3) Room and board shall be charged to make up the accumulated difference between room and board actually paid and room and board charged according to the signed room and board contract under § 51.122 (relating to room and board contract).

§ 51.128. SNAP, energy assistance, rent rebates and similar benefits.

(a) A provider shall assist a participant in applying for SNAP, energy assistance, rent rebates and similar benefits.

(b) If energy assistance, rent rebates or similar benefits are received, the provider shall deduct the value of these benefits from the room and board costs before reductions are made from the participant’s share of room and board costs.

(c) A participant’s SNAP may not be considered as part of a participant’s income or resources.

(d) A provider may not use the value of SNAP to increase the participant’s share of room and board costs.

DEPARTMENT-ESTABLISHED FEES

§ 51.131. Department-established fees.

(a) From July 1, 2011, through June 30, 2012, the Department is authorized to establish fees for the ineligible portion of the payment for respite care ineligible HCBS.

(b) The Department will establish fees for the ineligible portion of payment for residential habilitation services and publish the fees as a notice in the *Pennsylvania Bulletin*.

(c) The Department will apply a vacancy factor to the ineligible portion of payment across the provider’s residential habilitation service locations.

(d) The Department-established fees are established using the following methodology:

(1) Market-based approach.

(2) Use of independent data sources including validation against previously approved cost reports, as applicable.

(3) Geographic cost considerations.

(e) Subsections (a) and (d)(3) do not apply to a provider of HCBS in the Adult Autism Waiver.

ORGANIZED HEALTH CARE DELIVERY SYSTEM

§ 51.141. Organized health care delivery system.

(a) An OHCDs shall:

(1) Be an enrolled MA waiver provider.

(2) Be enrolled in the Department’s MMIS.

(3) Provide at least one direct MA service.

(4) Agree to provide the identified vendor goods or services to participants.

(5) Bill the Department's MMIS for the amount of the vendor goods or services.

(6) Pay the vendor which provided the vendor goods or services the amount billed for in the MMIS.

(b) An OHCDS may bill a separate administrative fee under the following:

(1) The administrative per transaction fee may not exceed \$25 or 15% of the cost of the HCBS, whichever is less.

(2) The administrative activities must be required to deliver the vendor good or HCBS to a participant and must be documented to support the separate administrative fee.

(c) An OHCDS will not be reimbursed for the HCBS or the Department-established administrative fee if it contracts with a provider who is listed on the LEIE, EPLS or Medichex list.

(d) An OHCDS will not be reimbursed for rendering OHCDS if it contracts with a provider who employs staff who is listed on the LEIE or EPLS.

(e) The OHCDS is responsible for ensuring that each vendor with which it contracts meets the applicable provisions of this chapter and in accordance with the requirements specified in the approved applicable waiver, including approved waiver amendments.

(f) Only vendor goods and services may be subcontracted through the OHCDS. A provider who subcontracts shall have written agreements specifying the duties, responsibilities and compensation of the subcontractor.

(g) An OHCDS shall provide the SC, the Department or the Department's designee with a signed statement including the following:

(1) Attestation that the cost of the good is the same cost charged to the general public.

(2) Identification of the administrative fee that is in accordance with the Department's established administrative fee.

(h) Subsections (c)(1) and (2) and (h)(2) do not apply to an OHCDS under the Adult Autism Waiver.

Subchapter D. CLOSURES AND TERMINATION

Sec.

51.151.	Definitions.
51.152.	Termination of provider agreement.
51.153.	Sanctions.
51.154.	SCO and SCA provider closure requirements.
51.155.	Provider closure requirements.
51.156.	AWC/FMS closure requirements.
51.157.	Appeals.

§ 51.151. Definitions.

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

Attestation engagement—The term includes audits, examinations, reviews, compilations and agreed-upon procedures.

Closing provider—A provider that is terminating HCBS for the participants it serves.

Closing SCO provider—An SCO or SCA that is terminating support coordination HCBS for the participants it serves.

Compliance attestation—A document issued by a third party that assures a provider's compliance with this chapter.

Selected and willing provider—The HCBS provider which the participant is transferring to.

Selected and willing SCO provider—The SCO provider the participant is transferring to.

§ 51.152. Termination of provider agreement.

(a) A provider's MA provider agreement or MA waiver provider agreement, or both, may be terminated based upon one of the following:

(1) The provider has not complied with the terms of the MA waiver provider agreement or MA provider agreement.

(2) The provider has committed a violation as listed under §§ 1101.75 and 1101.77 (relating to provider prohibited acts; and enforcement actions by the Department).

(3) The provider fails to render the HCBS and protect the health and welfare of a participant.

(4) The provider fails to meet a provision of this chapter.

(5) The provider fails to deliver an HCBS in the type, amount, frequency and duration authorized in the ISP when the participant is available for the delivery of the HCBS.

(6) The provider submits a fraudulent claim.

(7) The provider fails to develop or implement a CAP or DCAP timely.

(8) The provider fails to comply with the provider monitoring requirements in § 51.24 (relating to provider monitoring).

(9) The provider fails to comply with applicable Federal and other State laws and this chapter.

(10) The provider is identified on one of the following lists:

(i) EPLS.

(ii) LEIE.

(iii) Medichex.

(b) This section does not apply to an SSW provider.

§ 51.153. Sanctions.

If a provider fails to provide an attestation engagement, fiscal review or compliance attestation that is accepted by the Department or is in noncompliance with this chapter, the Department may initiate sanctions against the provider including the following:

(1) Withholding or disallowing all or a portion of future payments.

(2) Suspending payment or future payments pending compliance.

(3) Recouping payments for HCBS the provider cannot verify through documentation as rendered in the amount, duration and frequency billed.

§ 51.154. SCO and SCA provider closure requirements.

(a) In addition to the requirements in § 51.155 (relating to provider closure requirements), a closing SCO or SCA shall meet the requirements of this section.

(b) A closing SCO or SCA provider shall provide written notice to the participant and the Department or the

Department's designee at least 90 days prior to the SCO or SCA closing. The written notice must include verification of the activities as required under subsection (c).

(c) A closing SCO or SCA shall complete the following activities when terminating supports coordination HCBS:

(1) Provide written notification to the Department of its intent to terminate the MA provider agreement and the MA waiver provider agreement.

(2) Provide an effective date of termination.

(3) Develop a transition plan for each participant that affords participant choice and provide it to the Department's designee for prior approval.

(4) Cooperate with the development of a participant's transition plan prior to the effective date of the participant's transition.

(5) Provide a transition plan for the SCO's or SCA's operations.

(6) Prepare SCO or SCA participant records for transfer to the selected and willing SCO or SCA provider within 14 days of the selected and willing SCO or SCA provider accepting the transfer.

(7) Update and maintain HCSIS data and records until the effective date of transfer.

(d) The closing SCO or SCA provider shall continue to provide supports coordination HCBS to a participant until the participant is transferred to the receiving selected and willing SCO or SCA provider unless otherwise directed by the Department or the Department's designee.

(e) The closing SCO or SCA provider may not transfer a participant during a closure until after the Department or the Department's designee approves the participant's transition plan.

§ 51.155. Provider closure requirements.

(a) A closing provider shall complete the following activities when terminating HCBS:

(1) The closing provider shall notify each participant to whom it renders HCBS, the Department or the Department's designee and each SCO and SCA providing supports coordination to the participant, that the provider is closing.

(2) The closing provider shall follow § 51.31 (relating to transition of participants).

(3) The closing provider shall notify applicable licensing or certifying entities of the provider's closure in accordance with the rules established by the licensing or certifying entity.

(b) The provider shall send the Department or the Department's designee a copy of the notification sent to the participant and SCO or SCA as required under subsection (a)(1).

(c) If the provider fails to notify the Department or the Department's designee as specified in subsections (a) and (b), the provider may not be paid for HCBS rendered after the date the notice is due to the Department or the Department's designee.

(d) The closing provider shall prepare participant records for transfer to the selected and willing provider within 14 days of the selected and willing provider accepting the transfer.

(e) A closing provider shall update and maintain records until the effective date of transfer.

(f) A closing provider shall maintain records verifying compliance with this chapter for a minimum of 5 years in addition to the current year, even after closure as specified in § 51.15 (relating to provider records).

(g) The section does not apply to an SSW provider.

§ 51.156. AWC/FMS closure requirements.

(a) A closing AWC/FMS provider shall complete the following activities:

(1) The AWC/FMS provider shall first notify the Department of its intent to close.

(2) The notice must be sent to the Department at least 60 days prior to closure.

(3) The AWC/FMS provider shall cooperate with transitioning participants to the new AWC/FMS provider that is identified by the Department.

(4) The AWC/FMS provider shall complete the following transition activities once notice has been provided by the Department:

(i) Notify each participant in writing of the AWC/FMS provider's decision to no longer provide AWC/FMS.

(ii) Provide the Department with suggested time frames for transitioning the participant to the new AWC/FMS provider.

(iii) Prepare participant records for transfer to the new AWC/FMS provider identified by the Department within 14 days of the new AWC/FMS provider becoming the AWC/FMS.

(iv) Update and finalize records until the effective date of the transfer to the new AWC/FMS.

(b) If the AWC/FMS provider fails to notify the Department as specified in subsection (a), the AWC/FMS provider may not be paid for HCBS and administrative fees after the date the notice is due to the Department.

(c) An AWC/FMS provider shall maintain records verifying compliance with this chapter for a minimum of 5 years in addition to the current year, even after closure as specified in § 51.15 (relating to provider records).

(d) The section does not apply to an SSW provider or a provider of HCBS in the Adult Autism Waiver.

§ 51.157. Appeals.

A provider may file an appeal of a Departmental action in accordance with Chapter 41 (relating to Medical Assistance provider appeal procedures).

[Pa.B. Doc. No. 12-1043. Filed for public inspection June 8, 2012, 9:00 a.m.]

**DEPARTMENT OF PUBLIC WELFARE
[55 PA. CODE CH. 6211]**

Allowable Cost Reimbursement for Non-State Operated Intermediate Care Facilities for Persons with an Intellectual Disability

The Department of Public Welfare (Department) amends Chapter 6211 (relating to allowable cost reimbursement for non-State operated intermediate care facilities for persons with an intellectual disability) to read as set forth in Annex A under the authority of sections 201(2), 403(b) and 403.1 of the Public Welfare Code (code)

(62 P. S. §§ 201(2), 403(b) and 403.1), as amended by the act of June 30, 2011 (P. L. 89, No. 22) (Act 22).

Omission of Proposed Rulemaking

On July 1, 2011, the General Assembly enacted Act 22, which amended the code. Act 22 added several new provisions to the code, including section 403.1. Section 403.1(a)(4), (c) and (d) of the code authorizes the Department to promulgate final-omitted regulations under section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(v)), known as the Commonwealth Documents Law (CDL), to establish or revise provider payment rates, reimbursement models and payment methodology. Section 204(1)(iv) of the CDL authorizes an agency to omit or modify notice of proposed rulemaking when a regulation relates to Commonwealth grants and benefits. The Medical Assistance Program is a Commonwealth grant program through which eligible recipients receive coverage of certain health care benefits. In addition, to ensure the Department's expenditures for State Fiscal Year 2011-2012 do not exceed the aggregate amount appropriated by the General Assembly, section 403.1 of the code expressly exempts these regulations from the Regulatory Review Act (71 P. S. §§ 745.1—745.12), section 205 of the CDL (45 P. S. § 1205) and section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

The Department is amending Chapter 6211 in accordance with section 403.1 of the code. This final-omitted rulemaking revises the payment methodology for the establishment of the standard interim per diem rate for non-State operated intermediate care facilities for persons with an intellectual disability (previously referred to as non-State operated intermediate care facilities for the mentally retarded).

Purpose

The purpose of this final-omitted rulemaking is to revise the payment methodology for the standard interim per diem rate for non-State operated intermediate care facilities for persons with an intellectual disability (ICFs/ID) and non-State operated intermediate care facilities for persons with other related conditions (ICFs/ORC). Specifically, the Department is amending § 6211.16 (relating to establishment of standard interim per diem rate). In addition, the Department is replacing the term “mental retardation” with the term “intellectual disability” throughout this chapter.

Background

ICFs/ID and ICFs/ORC are facilities that provide Medicaid services defined in Title XIX of the Social Security Act (42 U.S.C.A. § 1396a(a)). ICFs/ID and ICFs/ORC are facilities which are designed to provide “active treatment services” to persons who are diagnosed with an intellectual disability or persons with other related conditions in accordance with 42 CFR 435.1010 (relating to definitions relating to institutional status). ICFs/ORC are included in § 6211.2 (relating to applicability) in accordance with 42 CFR 483.400 (relating to basis and purpose). To further provide clarity regarding the payment methodology that establishes the standard interim per diem rate for ICFs/ID-ICFs/ORC and to improve the cost effectiveness of these programs, the Department is promulgating this final-omitted rulemaking. The promulgation of this final-omitted rulemaking will enable the Commonwealth to ensure the Department's expenditures do not exceed the amount appropriated by the General Assembly for ICFs/ID and ICFs/ORC as required under Act 22.

Requirements

In this final-omitted rulemaking, the Department is amending § 6211.16. Subsection (c)(2) has been amended to delete references to the application of an inflationary factor and language has been added that the Department may apply a cost of living adjustment (COLA) to the interim per diem rates during the rate development process.

Section 6211.16 is also being amended by adding subsection (e). The addition of subsection (e) provides that the Department may apply a downward rate adjustment factor (RAF) to the standard interim per diem rate for each provider, including those providers who request a waiver of the standard interim per diem rate as specified in § 6211.31 (relating to request for waiver). The amount of funds resulting from the application of the RAF cannot be requested as a waiver of the standard interim per diem rate. The ability to apply a RAF enables the program to maintain fiscal stability and will enable the Commonwealth to ensure the Department's expenditures do not exceed the amount appropriated by the General Assembly.

The Department is also amending § 6211.31. Under subsection (a), to request additional funds for the fiscal year, the provider shall submit a request for a waiver of the standard interim per diem rate in accordance with the identified requirements under this subsection. Subsection (b) amends the deadline for waiver request submissions. Instead of the March 1 deadline for waiver request submissions to the Department, the subsection has been amended to provide an October 31 deadline of the fiscal year for which the waiver is being requested. This amendment aligns the regulation to current program practice.

Subsection (e)(2) is also amended to clarify that the written request for a waiver of the standard interim per diem rate must be in accordance with the budget instructions. Further, subsection (f) is amended to clarify that a provider with less than a 12-month cost report who fails to submit a request for waiver of the standard interim per diem rate, will have an interim per diem rate established under § 6211.15 (relating to failure to submit cost report).

Finally, the Department is amending the regulations to delete references to “mental retardation” and replacing this outdated language with “persons with an intellectual disability.” The Department is also replacing “Office of Mental Retardation” with “the Department” or “the Office of Developmental Programs.”

Affected Individuals and Organizations

The final-omitted rulemaking affects providers who operate ICFs/ID and ICFs/ORC. The Department's ICF/ID and ICF/ORC program has approximately 178 service locations and 33 providers in this Commonwealth.

Accomplishments and Benefits

The final-omitted rulemaking clarifies and revises the rate setting methodology for standard interim per diem rates for ICF/ID and ICF/ORC providers to ensure fiscal stability within the program. The final-omitted rulemaking also replaces outdated terminology with current terminology.

Fiscal Impact

This final-omitted rulemaking ensures that the Department's expenditures do not exceed the aggregate amount appropriated by the General Assembly.

Paperwork Requirements

There are no new paperwork requirements under the final-omitted rulemaking.

Public Process

The Department discussed these payment rates and methodologies with the Medical Assistance Advisory Committee at the February 23, 2012, meeting. The Department posted the draft regulation on the Department's web site on February 24, 2012, with a 15-day comment period. The Department invited interested persons to submit written comments regarding the regulation to the Department. The Department received 39 comments from 16 commentators. The Department also discussed the Act 22 regulations and responded to questions at the House Health Committee hearing on March 8, 2012.

In addition, the Department published advance public notice at 42 Pa.B. 2110 (April 14, 2012) announcing its intent to amend Chapter 6211 regarding provider payment methodologies, rates and terminology. The Department invited interested persons to comment. The Department received five comment letters during this comment period. The comment letters were reflective of the comments previously received on the draft regulation.

The Department considered the comments received in response to the draft regulation.

Discussion of Comments

Following is a summary of the major comments received within the public comment period and the Department's responses to the comments.

Comment

The commentators disagreed with the removal of language related to an inflationary factor from § 6211.16(c)(2) and also disagreed with the addition of § 6211.16(e) related to the application of an RAF. In addition, a commentator requested language be added to § 6211.16(c)(2) related to a COLA.

Response

The Department is maintaining the removal of the inflationary factor and inclusion of the language related to the RAF. The amended language will improve cost efficiencies and provide fiscal stability of the program. The Department does agree with the comment to add language related to a COLA. Therefore, the Department revised § 6211.16(c)(2) to provide for consideration of a COLA to the interim per diem rates.

Comment

Several commentators suggested revisions to § 6211.1 (relating to purpose) and § 6211.2 to include State-operated ICFs/ID under this chapter.

Response

Chapter 6211 does not apply to State-operated ICFs/ID. Therefore, the Department did not amend these sections.

Comment

Several commentators stated the language was unclear in § 6211.31(f).

Response

The Department is maintaining the language in § 6211.31(f). Under subsection (a)(1), a facility that has been certified as an ICF/ID for less than 18 months prior to the closing date of the most recently submitted cost report may submit a waiver of the interim per diem rate. Subsection (f) further outlines that if a provider with less

than a 12-month cost report does not submit a request for a waiver of the standard interim per diem rate under subsection (a)(1), a rate will be established under § 6211.15. The amended language will enable the Department to maintain consistency in the establishment of interim per diem rates for each provider.

Regulatory Review Act

Under section 403.1 of the code, this final-omitted rulemaking is not subject to the Regulatory Review Act.

Findings

The Department finds that:

(1) Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the CDL, 1 Pa. Code § 7.4(1)(iv) and section 403.1(d) of the code because the regulations relate to Commonwealth grants and benefits.

(2) The adoption of this final-omitted rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the code.

Order

The Department, acting under the code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapter 6211, are amended by amending §§ 6211.1, 6211.2, 6211.4, 6211.11—6211.16, 6211.31, 6211.32, 6211.47, 6211.64, 6211.74, 6211.82, 6211.121, 6211.124 and 6211.131—6211.133 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

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

(d) This order shall take effect July 1, 2011, in accordance with section 403.1(e) of the code.

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-534. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART VIII. INTELLECTUAL DISABILITY MANUAL

Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT

CHAPTER 6211. ALLOWABLE COST REIMBURSEMENT FOR NON-STATE OPERATED INTERMEDIATE CARE FACILITIES FOR PERSONS WITH AN INTELLECTUAL DISABILITY

GENERAL PROVISIONS

§ 6211.1. Purpose.

This subchapter specifies the requirements for MA reimbursement and allowable costs for non-State operated intermediate care facilities for persons with an intellectual disability.

§ 6211.2. Applicability.

(a) This chapter applies to non-State operated intermediate care facilities for persons with an intellectual

disability and non-State operated intermediate care facilities for persons with other related conditions.

(b) The following chapters apply to non-State operated intermediate care facilities for persons with an intellectual disability and non-State operated intermediate care facilities for persons with other related conditions: Chapters 1101 and 6210 (relating to general provisions; and participation requirements for the intermediate care facilities for the mentally retarded program).

(c) In addition to this chapter, the Medicare Provider Reimbursement Manual (HIM-15) applies for costs that are included in this chapter as allowable and for reimbursable costs that are not specifically addressed in this chapter.

(d) If this subchapter is inconsistent with Chapter 6210 or HIM-15, this chapter shall prevail.

§ 6211.4. Definitions.

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

* * * * *

Cost report—A summary of client occupancy, income and expenses for a given period, presented in a manner and on a form prescribed by the Department.

* * * * *

Facility—A non-State operated intermediate care facility for persons with an intellectual disability or a non-State operated intermediate care facility for persons with other related conditions.

* * * * *

Standard interim per diem rate—The rate established by the Department in accordance with § 6211.16 (relating to establishment of standard interim per diem rate) for the purpose of making interim payments to the facility pending a year-end cost settlement.

* * * * *

STANDARD INTERIM PER DIEM RATE

§ 6211.11. Basis for standard interim per diem rate.

The standard interim per diem rate for each provider is based upon the cost report submitted to the Department by the provider.

§ 6211.12. Submission of cost report.

(a) The provider shall submit a written report of the costs for the previous Fiscal Year to the Department by September 30 of each year, unless an extension is granted in accordance with procedures in the cost report.

(b) The cost report shall reflect at least 12 months of operation.

(c) The cost report shall be submitted on the form prescribed by the Department.

§ 6211.13. Review of cost report.

The Department will review the cost report submitted by the provider for correctness, consistency with previous audits and cost reports, and compliance with the instructions for the cost report.

§ 6211.14. Adjustments to cost report.

(a) The Department will adjust the cost report based upon the findings of closed audits and cost settlements.

(b) The Department will inform the provider in writing of adjustments to the submitted cost report by January 1

of each year, unless an extension is granted under § 6211.12(a) (relating to submission of cost report).

(c) If the Department does not inform the provider in writing of adjustments to the submitted cost report by January 1 of each year, the cost report submitted by the provider is accepted by the Department.

§ 6211.15. Failure to submit cost report.

If the provider does not submit a cost report by September 30 of each year, or later if an extension is granted by the Department under the procedures of the cost report, the Department will establish an interim per diem rate for the provider equal to the lowest interim rate for any non-State operated intermediate care facility for persons with an intellectual disability issued for the current fiscal year.

§ 6211.16. Establishment of standard interim per diem rate.

(a) The standard interim per diem rate shall be used for billing purposes throughout the current fiscal year.

(b) The standard interim per diem rate shall be established by dividing the total projected operating cost by 98% of the maximum possible number of days based on the number of certified beds of the facility.

(c) The total projected operating cost is derived under the following procedures:

(1) Taking the total MA allowable costs, including adjustments for income, and comparing this to the approved budget total, or the total projected operating costs if applicable, for the same fiscal year in order to determine the lesser amount. From the lesser amount, subtract depreciation on capital assets, limited to buildings and fixed equipment, and interest on capital indebtedness.

(2) The Department may apply a cost of living adjustment to the interim per diem rate during the rate development process.

(3) Adding depreciation on capital assets, limited to buildings and fixed equipment, and interest on capital indebtedness to the total projected cost to result in the total projected operating cost.

(d) The cost report submitted by the provider, in addition to adjustments made by the Department, as specified in § 6211.14 (relating to adjustments to cost report), shall be used for the calculation of the standard interim per diem rate.

(e) The Department may apply a downward rate adjustment factor to the standard interim per diem rate for each provider to remain within the amount appropriated by the General Assembly, including those providers who request a waiver of the standard interim per diem rate as specified in § 6211.31 (relating to request for waiver). The amount of funds resulting from the application of the rate adjustment factor cannot be requested as a waiver of the standard interim per diem rate as identified under § 6211.31.

WAIVER OF STANDARD INTERIM PER DIEM RATE

§ 6211.31. Request for waiver.

(a) To request additional funds for the fiscal year, the provider shall submit a request for a waiver of the standard interim per diem rate in accordance with the requirements of this section. A request can only be submitted if one or more of the following conditions exist:

(1) The facility has been certified as an ICF/ID for less than 18 months prior to the closing date of the most recently submitted cost report.

(2) There has been an increase or decrease in the certified capacity of a facility during the current fiscal year.

(3) An increase or decrease in the certified capacity is anticipated for the next fiscal year.

(4) The characteristics of a client have changed significantly causing significant program changes, resulting in demonstrably different costs.

(5) An unforeseen circumstance has resulted in demonstrably different costs.

(6) The facility has changed ownership.

(b) The request for waiver shall be submitted to the Department in writing by October 31 of the fiscal year for which the waiver is being requested.

(c) A waiver request may not be submitted for more than 1 fiscal year at a time.

(d) If there is an unforeseen circumstance that affects the providers' cost, the request for waiver shall occur during the current fiscal year. The provider shall request a budget review in writing immediately after the change occurs.

(e) A written request for a waiver of the standard interim per diem rate shall include all of the following:

(1) Identification of the specific condition in subsection (a) that exists.

(2) A proposed budget and a proposed per diem rate, on forms and in accordance with the budget instructions prescribed by the Department.

(3) A detailed profile of the providers' costs prior to and after the change.

(4) Detailed justification for the waiver.

(5) The fiscal year for which the waiver is being requested.

(f) For a provider with less than a 12-month cost report who does not submit a request for waiver of the standard interim per diem rate based under subsection (a)(1), an interim per diem rate will be established based upon § 6211.15 (relating to failure to submit cost report).

§ 6211.32. Approved waiver.

(a) After the Department has notified the provider that a waiver has been granted, the Department will establish the total approved revised budget level.

(b) If a waiver is granted, the Department will establish budget levels by major object of expenditure and cost center. The budget level will be based on this chapter and HIM-15.

(c) If a waiver is granted, the Department will establish an interim per diem rate by dividing the total approved budget level minus offsetting income, by 98% of the maximum potential certified occupancy or the occupancy percentage requested by the provider in the budget, whichever is higher.

(d) If a waiver is granted, the interim per diem rate shall be used for billing purposes throughout the fiscal year.

REIMBURSEMENT

§ 6211.47. Operation of multiple program types.

(a) If a provider operates intermediate care facilities for persons with an intellectual disability as well as other types of programs, the provider shall document at the time of audit, or if a waiver is requested the provider shall submit with the budget a detailed account of how various costs are allocated between the multiple programs, under § 6211.72 (relating to administrative costs).

(b) The detailed account of the allocation shall include at least all of the following:

(1) All salary costs for individuals responsible for more than one program.

(2) Employee fringe benefits for individuals responsible for more than one program.

(3) All rental costs that apply to multiple programs.

(4) All motor vehicles that are used by multiple programs.

(5) All other related expenses shared by multiple programs.

BED OCCUPANCY

§ 6211.64. Waiver of minimum occupancy rate.

A provider may request a waiver of the minimum occupancy requirement at the time that a final cost report is submitted to the Department. The request for waiver of the minimum occupancy requirement shall be submitted in writing to the Deputy Secretary for Office of Developmental Programs. Documentation shall be submitted related to one or more of the following conditions:

(1) The facility is in its first year of operation.

(2) The facility is increasing or decreasing the number of certified beds.

(3) The facility operates less than 16 beds.

ALLOWABLE COSTS

§ 6211.74. Service contracts.

Costs necessary for the operation of the facility and the establishment and maintenance of intermediate care facilities for persons with an intellectual disability certification are allowable to the extent that the costs do not duplicate services performed by staff on complement. Service contracts shall specify the nature and cost of the service. Documentation of service contracts shall be maintained by the facility with all documentation of services rendered.

§ 6211.82. Rental costs.

* * * * *

(c) Exceptions to subsection (b) are allowed only upon advance approval from the Deputy Secretary for the Office of Developmental Programs or a designee. Approval will be based on a fair market rental appraisal as outlined in subsection (e), or documented costs of ownership, except that return on equity is not permitted. The provider is permitted to include documented mortgage interest charges and depreciation.

* * * * *

BUDGET

§ 6211.121. Submission of the budget.

(a) For new programs that have never participated in the Intermediate Care Facility for persons with an intellectual disability program, or programs that have partici-

pated in the program for less than 12 months, a budget shall be prepared and submitted to the Department in accordance with forms and instructions provided by the Department.

(b) If a waiver of the standard interim per diem rate is requested, a budget shall be submitted to the Department in accordance with § 6211.31(e) (relating to request for waiver) and shall be prepared in accordance with forms and instructions provided by the Department.

§ 6211.124. Budget adjustments.

(a) The provider is permitted to move funds between major objects of expenditure and cost centers, within 10% of the approved amount per major object of expenditure and cost center, during the course of the fiscal year.

(b) Movement of funds greater than 10% requires submission of budget adjustment and shall meet the following conditions:

(1) Changes shall remain within the limit of the total approved budget level.

(2) Requests for adjustment shall be filed during the fiscal year in which the rate is effective, and budget adjustments may be filed a maximum of two per fiscal year.

(3) Budget adjustments shall be submitted on forms prescribed by the Department and in accordance with applicable instructions.

MOVEMENT OF FUNDS

§ 6211.131. Conditions for movement of funds.

(a) Agencies that operate multiple programs shall be permitted to move up to 10% of the approved funding

level of a program across other programs the facility operates.

(b) Movement of funds shall be permitted only once per Commonwealth fiscal year.

(c) The request for movement of funds shall be submitted to the Department by May 31 of the fiscal year for which the movement of funds is requested.

(d) Movement of funds will not be approved if there is an increase in the sum of the already approved funding levels for each of the programs the agency operates.

(e) Movement of funds shall be limited to 10% of a program's approved funding level.

(f) Movement of funds may be directed from several programs to a single program.

§ 6211.132. Documentation.

(a) Agencies requesting the movement of funds shall submit revised program budget pages to the Department for affected programs.

(b) For programs affected by the change with standard interim rates, a program budget page is not required. The agency shall document to the Department the change in the total projected operating cost as a result of the movement of funds.

§ 6211.133. Related procedures.

The Department will not process gross adjustments as a result of an approved request to move funds across programs and revised interim rates will not be issued.

[Pa.B. Doc. No. 12-1044. Filed for public inspection June 8, 2012, 9:00 a.m.]

PROPOSED RULEMAKING

GAME COMMISSION

[58 PA. CODE CH. 143]

Hunting and Furtaker Licenses; Change of Residency Registration

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to add § 143.13 (relating to change of residency registration) to require holders of hunting and furtaking licenses who change their residency status to acquire a change of residency registration within 30 days of the change otherwise their licenses will become invalid.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The Commission recently reviewed its policy concerning what it requires from licensed hunters and trappers who change their residency from resident to nonresident or from nonresident to resident. Currently, if a resident of this Commonwealth becomes a nonresident after having previously purchased a hunting or furtaking license, that license is deemed invalid and the person is required to repurchase a nonresident hunting or furtaking license at full cost to continue engaging in hunting or trapping activities within this Commonwealth during that license year. The result is quite the opposite for nonresidents who become residents after previously having a hunting or furtaking license, whom are not required to repurchase a new license or even report the change in residency. In both cases, the Commission identified value in obtaining updates from its license holders when a change in residency occurs. The Commission is proposing to add § 143.13 to harmonize the approach that it takes concerning both types of residency change. Under this proposed section, changes in residency will require the license holder to acquire a change of residency registration within 30 days of the change in residency otherwise the license will automatically become invalid. Once a change of residency registration has been submitted, a further repurchase of license will not be required for residents or nonresidents that have changed their residency status.

Section 2722(g) of the code (relating to authorized license-issuing agents) directs the Commission to adopt regulations for the administration, control and performance of license issuing activities. Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt

or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The addition of § 143.13 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will add § 143.13 to require holders of hunting and furtaking licenses who change their residency status to acquire a change of residency registration within 30 days of the change otherwise their licenses will become invalid.

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth who change their residency status will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking may result in additional cost and paperwork. It is anticipated that this additional cost and paperwork will be nominal and covered by current budgets and work assignments.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-342. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKER LICENSES

Subchapter A. GENERAL

§ 143.13. Change of residency registration.

(a) *General rule.* A change in residency status from resident to nonresident or from nonresident to resident, as defined in sections 102, 2702 and 2703 of the act (relating to definitions; residents; and nonresidents), automatically invalidates a person's hunting or furtaking license 30 days after the change in status unless the licensee completes and submits a change in residency registration to the Commission on the form provided.

(b) *Possession and production.* A change in residency registration shall be maintained with and as a part of the person's license materials until the close of the current license year and shall be produced as a part of the person's license materials upon request or demand of a landowner or officer whose duty it is to enforce the act.

(c) *Fee.* A fee of \$6 will be assessed for a change of residency registration.

[Pa.B. Doc. No. 12-1045. Filed for public inspection June 8, 2012, 9:00 a.m.]

[58 PA. CODE CH. 141]

Hunting and Trapping; Protective Material Required

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 141.20 (relating to protective material required) to apply the more restrictive fluorescent orange requirements to wildlife management units (WMU) 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On April 24, 2012, the Commission adopted amendments to § 139.4 (relating to seasons and bag limits for the license year) to expand fall turkey hunting opportunities in WMUs 1A, 1B and 2A by removing the “shotgun, bow and arrow only” limitation. This amendment will effectively allow hunters within WMUs 1A, 1B and 2A to hunt fall turkey with rifles. As a result of this change, the Commission is proposing to amend § 141.20 to apply the more restrictive fluorescent orange requirements to WMUs 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

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

2. Regulatory Requirements

The proposed rulemaking will amend § 141.20 by applying the more restrictive fluorescent orange requirements to WMUs 1A, 1B and 2A that apply to other WMUs where use of rifles to hunt turkey is authorized.

3. Persons Affected

Persons wishing to hunt wild turkey during the fall turkey seasons in WMUs 1A, 1B and 2A will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-341. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 141. HUNTING AND TRAPPING****Subchapter A. GENERAL****§ 141.20. Protective material required.**

* * * * *

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

* * * * *

(3) Move about or relocate while wearing a hat containing a minimum of 100 square inches of solid daylight fluorescent orange-colored material on the head only and be stationary without wearing the required orange-colored material when hunting for applicable **game or** wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units [**1A, 1B, 2A,**] 2B, 5B, 5C and 5D.

* * * * *

(4) Move about or relocate while in compliance with subsection (a) and while stationary place a minimum of 100 square inches of daylight fluorescent orange-colored material within 15 feet of the hunter's location so it is visible in a 360° arc when hunting for applicable game or wildlife during the following seasons:

(i) All fall turkey seasons in wildlife management units **1A, 1B, 2A,** 2C, 2D, 2E, 2F, 2G, 3A, 3B, 3C, 3D, 4A, 4B, 4C, 4D, 4E and 5A.

* * * * *

[Pa.B. Doc. No. 12-1046. Filed for public inspection June 8, 2012, 9:00 a.m.]

[58 PA. CODE CH. 131]

Preliminary Provisions; Definitions

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 131.2 (relating to definitions) to delete two sentences from the definition of “bow” relating to draw-locks and the minimum draw weights of bows. The proposal also adds definitions of the terms “decoy” and “meat or animal products.”

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of

Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.2. Definitions.

In addition to the definitions contained in section 102 of the act (relating to definitions), the following words and terms, when used in this part or in the act, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Bow—In addition to the definition in section 102 of the act, a device for launching an arrow, which derives its propulsive energy solely from the bending and recovery of two limbs. The energy used to propel the arrow may not be derived from another source. These limitations may not exclude the mechanical leverage advantage provided by eccentric wheels or cams so long as the available energy stored in the bent limbs of the bow is the sole result of a single, continuous and direct pulling effort by the shooter. [**A track, trough, channel or other device capable of mechanically holding the bow at full or partial draw may not be attached to the bow.**] The bowstring shall be drawn, held and released as a direct and conscious action of the shooter. Release shall be accomplished by either relaxing the tension of the fingers or triggering the release action of a manually held release aid. [**A bow shall have a peak draw weight not less than 35 pounds.**]

* * * * *

Crossbow bolt—An arrow propelled by a crossbow.

Decoy—For the purpose of section 2308(b)(6) of the act (relating to unlawful devices and methods), an artificial representation or facsimile of a bird or animal used to attract other birds or animals. The term does not include living birds or animals.

Deputy Game Commission officer—A deputy wildlife conservation officer.

* * * * *

Institutions of higher learning—Colleges and universities accredited by the Department of Education.

Meat or animal products—For the purpose of section 2361(a)(13) of the act (relating to unlawful acts concerning taking of furbearers), meat or animal products include artificial representations or facsimiles.

Plugged shotgun—For the purpose of section 2308(a)(4) of the act [(relating to unlawful devices and methods)], any shotgun containing a one-piece plug, stop or filler in the magazine to reduce ammunition capacity that is incapable of removal without disassembling the shotgun or magazine.

* * * * *

[Pa.B. Doc. No. 12-1047. Filed for public inspection June 8, 2012, 9:00 a.m.]

1. Purpose and Authority

The Commission proposes to amend § 131.2 by adding, amending and deleting certain definitions. The first proposed amendment involves the deletion of two sentences from the definition of “bow.” The first sentence concerns the prohibition of devices commonly known as draw-locks on bows. The Commission determined that the prohibition of this drawing aid was no longer necessary given the recent expansion to permit crossbows during archery season. The second sentence was deemed redundant to similar language proposed in § 141.43 (relating to deer) and therefore no longer necessary. See 39 Pa.B. 5016 (August 22, 2009). The second proposed amendment involves the addition of the definition of “decoy.” The third amendment involves the addition of the definition of “meat or animal products.”

Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 131.2 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 131.2 by deleting two sentences from the definition of “bow” relating to draw-locks and the minimum draw weights of bows. The proposed rulemaking will also add definitions of the terms “decoy” and “meat or animal products.”

3. Persons Affected

Persons wishing to hunt or trap game or wildlife within this Commonwealth may be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-340. No fiscal impact; (8) recommends adoption.

[58 PA. CODE CH. 147]

Special Permits; Application for Agriculture Deer Control Permits

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its April 24, 2012, meeting to amend § 147.552 (relating to application) to replace the reference to “wildlife management units 5C and 5D” with the more appropriate reference to “the southeast special regulations areas.”

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

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

The proposed rulemaking was made public at the April 24, 2012, meeting of the Commission. Comments can be sent, until June 22, 2012, to the Director, Bureau of Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

On March 31, 2010, the Commission’s 3-year evaluation of the effectiveness of a broad scale and widely accessible authorization permitting the baiting of white-tailed deer across the southeast special regulations areas expired. The Commission’s final review of the baiting authorization generally concluded that broad scale and widely accessible baiting did not establish viable increases in harvest rates to justify an extension of the experimental program. On February 1, 2011, the Commission amended § 147.552 and § 147.556 (relating to lawful devices and methods) to create a focused, limited authorization permitting the baiting of white-tailed deer in wildlife management units (WMU) 5C and 5D on approved properties enrolled in the “Red Tag” program. The Commission’s reference to WMUs 5C and 5D was in error as this geographical reference is not compatible with the term “special regulations areas” as referenced in section 2308(b)(2)(iii) of the act (relating to unlawful devices and methods) and described in § 141.1(b) (relating to special regulations areas). The Commission is proposing to amend § 147.552 to replace the reference to “wildlife management units 5C and 5D” with the more appropriate reference to the “southeast special regulations areas.”

Section 2901(b) of the code (relating to authority to issue permits) provides “. . .the commission may, as deemed necessary to properly manage the game or wildlife resources, promulgate regulations for the issuance of any permit and promulgate regulations to control the activities which may be performed under authority of any permit issued.” Section 2102(a) of the code (relating to regulations) provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner,

methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 147.552 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 147.552 to replace the reference to “wildlife management units 5C and 5D” with the more appropriate reference to the “southeast special regulations areas.”

3. Persons Affected

Persons wishing to hunt white-tailed deer through the use of bait on approved red tag properties will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

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

6. Contact Person

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

CARL G. ROE,
Executive Director

Fiscal Note: 48-343. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART III. GAME COMMISSION****CHAPTER 147. SPECIAL PERMITS****Subchapter R. DEER CONTROL****AGRICULTURE****§ 147.552. Application.**

* * * * *

(d) Applicants from [**wildlife management units 5C and 5D**] the southeast special regulations areas only may be eligible to obtain approval to engage in limited baiting activities to enhance deer control activities on their properties. Approval will be based solely upon an applicant’s demonstrable need for a baiting authorization as evidenced by written justifications or other evidence submitted on or in addition to the application at the time of application or renewal.

[Pa.B. Doc. No. 12-1048. Filed for public inspection June 8, 2012, 9:00 a.m.]

NOTICES

CAPITOL PRESERVATION COMMITTEE

Request for Proposals

CPC 12.133: South Capitol Park Step Reconstruction. This project involves the following: temporary removal and reinstallation of existing iron and brass railings; removal and resetting of existing granite step blocks; repair and reconstruction of concrete step foundations; and miscellaneous masonry cleaning and repair. A \$100 deposit is required for issuance of project documents. Issue date of proposal will be on June 5, 2012. A mandatory preproposal conference and walk through will be held on June 12, 2012, at 1:30 p.m. in Room 630, Main Capitol. The proposal receipt date is July 2, 2012, at 2 p.m. Project documents may be obtained in Room 630, Main Capitol Building Harrisburg, PA or by contacting Tara Pyle, (717) 783-6484.

DAVID L. CRAIG,
Executive Director

[Pa.B. Doc. No. 12-1049. Filed for public inspection June 8, 2012, 9:00 a.m.]

DEPARTMENT OF AGING

Draft 2012—2016 State Plan on Aging; Public Comment; Public Hearings

The Department of Aging (Department) is making the draft 2012-2016 State Plan on Aging (Plan) available for public review and comment. Comments to this document will be used to formulate the Department's final plan submitted to the Federal Administration on Aging for the Commonwealth to receive Federal funds under the Older Americans Act of 1965.

The Department periodically develops a Plan; the Plan being proposed will guide the Department during the Federal Fiscal Years October 1, 2012, through September 30, 2016. The purpose of the Plan is to structure the Department's goals and priorities and to set an aging agenda for the Commonwealth.

Residents, local government officials and interested organizations in the Commonwealth are invited to submit comments on the Plan. Persons wishing to submit written

comments on the plan must do so by June 29, 2012. Comments should be addressed to David Gingerich, Acting Deputy Secretary of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919, RA-StatePlanOnAging@state.pa.us.

The Department will hold the following public hearings on the Plan:

<i>Date</i>	<i>Location</i>	<i>Time</i>
June 18, 2012	Penn State University Wartik Lab, Room 108 State College, PA	10 a.m.—12 p.m. 1 p.m.—3 p.m.

<http://www.geog.psu.edu/sites/default/files/2011%20Visitor%20Guide.pdf>

June 25, 2012	University of Pennsylvania Biomedical Research Building Auditoriums 2-3 and Lobby 421 Curie Boulevard Philadelphia, PA	10 a.m.—12 p.m. 1 p.m.—3 p.m.
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<http://www.facilities.upenn.edu/map.php>

June 28, 2012	University of Pittsburgh William Pitt Union—Ball- room 3959 5th Avenue Pittsburgh, PA	10 a.m.—12 p.m. 1 p.m.—3 p.m.
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<http://www.tour.pitt.edu/tour-005.html>

Persons who wish to give oral testimony at the public hearings must call in advance to schedule a time. Oral testimony is limited to 5 minutes per person and a written copy of the testimony will be requested the day of the public hearing. To schedule oral testimony at any of the hearings contact Brittany Bendigo at (717) 425-5719. The previously listed facilities are accessible by people with disabilities. People with a disability who require an accommodation to attend one of the public hearings are asked to notify Brittany Bendigo at (717) 425-5719 in advance so the appropriate accommodations can be made.

Copies of the draft plan can be obtained from the Department's web site at www.aging.state.pa.us. Copies of the Plan are also available at local Area Agencies on Aging (http://www.portal.state.pa.us/portal/server.pt/community/your_local_resources/17952).

BRIAN M. DUKE,
Secretary

[Pa.B. Doc. No. 12-1050. Filed for public inspection June 8, 2012, 9:00 a.m.]

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 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending May 22, 2012.

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 regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available

NOTICES

for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. 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

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-17-2012	<p><i>From:</i> Franklin Security Bank Wilkes-Barre Luzerne County</p> <p><i>To:</i> Franklin Security Bank Wilkes-Barre Luzerne County</p> <p>Application for approval to convert from a Federally chartered savings bank to Pennsylvania State-chartered savings bank.</p>	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-22-2012	<p>Tompkins Financial Corporation Ithaca New York</p> <p>Application for approval to acquire 100% of VIST Financial Corporation, Wyomissing, and thereby indirectly acquire 100% of VIST Bank, Wyomissing.</p>	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-18-2012	<p>Colonial American Bank Horsham Montgomery County</p>	<p>490 Shrewsbury Avenue Shrewsbury Monmouth County, NJ</p>	Filed
5-22-2012	<p>The Bryn Mawr Trust Company Bryn Mawr Montgomery County</p>	<p>135 East City Avenue Bala Cynwyd Montgomery County</p>	Approved
5-22-2012	<p>Susquehanna Bank Lititz Lancaster County</p>	<p>125 South Ridge Plaza State College Centre County</p>	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-17-2012	<p>Northwest Savings Bank Warren Warren County</p>	<p>553 Market Street Johnsonburg Elk County</p>	Filed
5-22-2012	<p>Royal Bank America Narberth Montgomery County</p>	<p>3501 Black Horse Pike Turnersville Gloucester County, NJ</p>	Approved

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.

GLENN E. MOYER,
Secretary

DEPARTMENT OF EDUCATION

Application of Philadelphia Biblical University for Approval to Amend its Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Philadelphia Biblical University to amend its Articles of Incorporation to change its legal name to Cairn University.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing unless, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accord-

ance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, before 4 p.m. within 30 days after date of publication of this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previously listed address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol M.D. Gisselquist at (717) 783-8228 to discuss how the Department may best accommodate their needs.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 12-1052. Filed for public inspection June 8, 2012, 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 regarding 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 (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<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 tentative determinations 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 United States 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 NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the 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. A comment submittal 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 public hearings 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

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0246425 (Sew)	Dublin Township 1366 Cole Road Hustontown, PA 17229	Fulton County Dublin Township	Little Aughwick Creek / 12-C	Y
PA0081418 (IW)	Rutter's Dairy, Inc. 2100 North George Street York, PA 17404-1898	York County Manchester Township	UNT to Codorus Creek / 7-H	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0044652 (Sewage)	Mt Pisgah State Park State Route 3019 Troy, PA 16947-9448	Bradford County West Burlington Township	Mill Creek (4-C)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

PA0028576, Sewage, SIC Code 4952, **Abington Regional Wastewater Authority**, 200 Northern Boulevard PO Box 199, Chinchilla, PA 18410-0199. Facility Name: Abington Regional Wastewater Authority. This existing facility is located in South Abington Township, **Lackawanna County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Leggetts Creek, is located in State Water Plan watershed 5-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.34 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅	696	1114	XXX	25	40	50
Total Suspended Solids	836	1254	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2000	XXX	10000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	217	XXX	XXX	7.8	XXX	15.6
Nov 1 - Apr 30	72	XXX	XXX	2.6	XXX	5.2
Total Aluminum	Report	Report		Report	Report	XXX
Total Zinc	Report	Report Max day		Report	Report Max day	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Total Copper						
Effective date through month 59 of permit term	Report	Report		Report	Report	XXX
Month 60 of permit term	0.45	0.90		0.016	0.032	XXX
		Max Day			Max day	

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

<i>Parameters</i>	<i>Mass (lbs)</i>			<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	66,483			
Net Total Phosphorus	Report	8,310			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2015. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2016. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2015.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2016.

In addition, the permit contains the following major special conditions:

- Whole Effluent Toxicity Testing
- Toxics Reduction Evaluation

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0030171, Sewage, SIC Code 6515, **Llewellyn's Manufactured Home Community, Inc.**, 4550 Bull Road, Dover, PA 17315-2025. Facility Name: Llewellyn's MHC. This existing facility is located in Conewago Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of Little Conewago Creek, is located in State Water Plan watershed 7-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.021	XXX	0.067
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	XXX	Report	XXX	Geo Mean Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Daily Max Report	XXX	XXX
Ammonia-Nitrogen				Daily Max		
May 1 - Oct 31	XXX	XXX	XXX	0.50	XXX	1.00
Nov 1 - Apr 30	XXX	XXX	XXX	1.50	XXX	3.00
Total Kjeldahl Nitrogen	XXX	Report	XXX	Report	XXX	XXX
Total Phosphorus	XXX	Report	XXX	Daily Max Report	XXX	XXX
				Daily Max		

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

Name: **Growmark FS, LLC**. This existing facility is located in Somerset Township, **Somerset County**.

Description of Proposed Activity: The application is for a new NPDES permit for the discharge of untreated storm water runoff.

The receiving stream(s), Unnamed Tributary to East Branch Coxes Creek, is located in State Water Plan watershed 19-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The next downstream potable water supply is the Ohiopyle Borough Municipal Water Works located more than 45 miles below the discharge point.

The proposed effluent limits for Outfall 001 are based on precipitation, design flow varies.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
BOD ₅	XXX	XXX	XXX	15	30	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Aluminum, total (Interim)	XXX	XXX	XXX	Monitor and Report		XXX
Aluminum, total (Final)	XXX	XXX	XXX	0.48	0.75	XXX
Iron, total (Interim)	XXX	XXX	XXX	Monitor and Report		XXX
Iron, total (Final)	XXX	XXX	XXX	1.5	2.34	XXX
Manganese, total (Interim)	XXX	XXX	XXX	Monitor and Report		XXX
Manganese, total (Final)	XXX	XXX	XXX	0.64	1.0	XXX
Total Dissolved Solids	XXX	XXX	XXX	Monitor and Report		XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Monitor and Report		XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Monitor and Report		XXX
Phosphorus, total	XXX	XXX	XXX	Monitor and Report		XXX
Magnesium, total	XXX	XXX	XXX	Monitor and Report		XXX

In addition, the permit contains the following major special conditions:

- Within one year from the permit issuance date, the permittee shall submit a Storm Water Pollution Prevention Plan ("SWPPP") for Outfall 001.

- The permittee shall conduct a Toxics Reduction Evaluation for the pollutants aluminum, iron and manganese.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PAS706104, Industrial Waste, SIC Codes 2992 and 5172, **Valvoline, division of Ashland, Inc.**, 3499 Blazer Parkway, Lexington, KY 40509. Facility Name: Valvoline Rochester Packaging Plant. This proposed facility is located in Rochester Borough, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for new discharges of treated storm water associated with an industrial activity and uncontaminated storm water.

The receiving stream(s), Lacock Run and the Ohio River, are located in State Water Plan watershed 20-G and are classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.576 MGD. The permit is revised from the original version published on March 3, 2012 to remove benzene, ethylbenzene, toluene, and total xylenes from the permit. The limits for Total BTEX are also revised to be "Report" only. Revised limits are as follows:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	75
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Dissolved Iron	XXX	XXX	XXX	XXX	XXX	7.0
Total BTEX	XXX	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	XXX	XXX	Report
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

Discharges from Outfalls 002, 003, 004, 005, 006, 007, 008, and 010 shall consist solely of uncontaminated storm water.

In addition, the permit contains the following major special conditions:

- Residual waste disposal requirements; prohibition on discharges of floating materials, oil, grease, scum and substances which produce tastes, color, odors, turbidity or settle to form deposits that would be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life; prohibition on oil-bearing wastewaters causing a sheen or discoloration of the waters of this Commonwealth or adjoining shoreline; and requirements for the control of storm water discharges including the development and implementation of pollution prevention measures (PPC Plan).

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0102288-A2, Industrial Waste, SIC Code 4953, **Casella Waste Management of Pennsylvania, Inc. and CARES McKean, LLC**, 25 Green Hill Lane, Rutland, VT 05702. Facility Name: McKean County Landfill. This existing facility is located in Sergeant Township, **McKean County**.

Description of Existing Activity: The application is for an amendment to add a new discharge of treated Industrial Waste consisting of treated Shale Gas Extraction (SGE) wastewater from the Marcellus Shale region to the NPDES permit for an existing discharge of treated Industrial Waste consisting of landfill leachate.

The receiving streams, an Unnamed Tributary to the Little Sicily Run (Outfalls 001-006 and 010), an Unnamed Tributary to Sevenmile Run (Outfall 007), Rocky Run (Outfall 008), and Sicily Run (Outfall 009), are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes (Outfalls 001-006, 008-010) and High Quality Waters—Cold Water Fishes (Outfall 007), aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed INTERIM effluent limits for Outfall 001 are based on a design flow of 0.55 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	206	412	XXX	45	90	112
Ammonia-Nitrogen (NH ₃ -N)	12.8	25.6	XXX	2.8	5.6	7.0
Total Zinc	0.362	0.724	XXX	0.079	0.158	0.197

The proposed FINAL effluent limits for Outfall 001 are based on a design flow of 0.55 MGD.

Parameters	Mass (lbs/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	Report	Report	XXX	11.3	29.6	37.0
CBOD ₅	206	412	XXX	45	90	112
Ammonia Nitrogen (NH ₃ -N)	12.8	25.6	XXX	2.8	5.6	7.0

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Oil and Grease	XXX	XXX	XXX	38	127	158
Total Dissolved Solids	3,753	6,046	XXX	818	1,318	1,647
Total Chlorides	1,146	2,293	XXX	250	500	625
Total Barium	45.8	91.7	XXX	10	20	25
Total Strontium	45.8	91.7	XXX	10	20	25
Total Bromides	Report	Report	XXX	Report	Report	Report
Total Uranium (µg/l)	Report	Report	XXX	Report	Report	Report
Gross Alpha (in pCi/L)	XXX	XXX	XXX	Report	Report	Report
Radium 226/228 (in pCi/L)	XXX	XXX	XXX	Report	Report	Report
Total Chromium	Report	Report	XXX	0.0522	0.167	0.2087
Total Tin	Report	Report	XXX	0.0367	0.0955	0.1193
Total Titanium	Report	Report	XXX	0.00612	0.0159	0.0198
Total Vanadium	Report	Report	XXX	0.0518	0.0628	0.0785
Acetone	Report	Report	XXX	0.0562	0.114	0.142
Acetophenone	Report	Report	XXX	1.85	4.81	6.01
Bis(2-ethylhexyl) phthalate	Report	Report	XXX	0.276	0.598	0.747
2-Butanone	Report	Report	XXX	0.0268	0.0537	0.0671
Butylbenzyl phthalate	Report	Report	XXX	0.561	1.92	2.40
Carbazole	Report	Report	XXX	0.437	0.948	1.185
Fluoranthene	Report	Report	XXX	0.302	0.589	0.736
o-Cresol	Report	Report	XXX	1.08	3.65	4.56
n-Decane	Report	Report	XXX	0.182	0.370	0.462
n-Octadecane	XXX	XXX	XXX	51.43	102.86	128.57
Phenol	0.0082	0.0165	XXX	0.0018	0.0036	0.0045
Pyridine	16.5	33.0	XXX	3.6	7.2	9.0
Osmotic Pressure (in mOs/kg)	0.0261	0.0522	XXX	0.0057	0.0114	0.0142
2,4,6-Trichlorophenol	0.0467	0.0935	XXX	0.0102	0.0204	0.0255
Total Antimony	0.0073	0.0146	XXX	0.0016	0.0032	0.0040
Total Arsenic	0.165	0.330	XXX	0.036	0.072	0.090
Total Cadmium	0.0009	0.0018	XXX	0.0002	0.0004	0.0005
Total Cobalt	0.0894	0.1788	XXX	0.0195	0.0390	0.0487
Total Copper	0.0422	0.0844	XXX	0.0092	0.0184	0.0230
Total Lead	0.0146	0.0293	XXX	0.0032	0.0064	0.0080
Total Mercury	0.00022	0.00045	XXX	0.00005	0.00010	0.00012
Total Nickel	0.243	0.486	XXX	0.053	0.106	0.132
p-Cresol	0.752	1.504	XXX	0.164	0.328	0.410
Total Selenium	0.0233	0.0467	XXX	0.0051	0.0102	0.0127
Total Silver	0.0110	0.0220	XXX	0.0024	0.0048	0.0060
Total Zinc	0.357	0.715	XXX	0.078	0.156	0.195

The proposed effluent limits for IMP 101 are based on a design flow of 0.50 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	147.2	294.4	XXX	35.3	70.6	88.2
Ammonia Nitrogen (NH ₃ -N)	52.5	105.0	XXX	12.6	25.2	31.5
Total Suspended Solids	Report	Report	XXX	11.3	29.6	37.0
Oil and Grease	XXX	XXX	XXX	38	127	158
Total Dissolved Solids	2,085	4,170	XXX	500	1,000	1,250
Chloride	1,042	2,085	XXX	250	500	625
Total Barium	41.7	83.4	XXX	10	20	25
Total Strontium	41.7	83.4	XXX	10	20	25
Bromide	Report	Report	XXX	Report	Report	Report
Total Uranium (µg/L)	Report	Report	XXX	Report	Report	Report
Gross Alpha (pCi/L)	Report	Report	XXX	Report	Report	Report
Radium 226/228, Total (pCi/L)	Report	Report	XXX	Report	Report	Report
Total Chromium	Report	Report	XXX	0.0522	0.167	0.209
Total Tin	Report	Report	XXX	0.0367	0.0955	0.1194
Total Titanium	Report	Report	XXX	0.00612	0.0159	0.0199
Total Vanadium	Report	Report	XXX	0.0518	0.0628	0.0785
Acetophenone	Report	Report	XXX	0.0562	0.114	0.143
2-Butanone	Report	Report	XXX	1.85	4.81	6.01
Carbazole	Report	Report	XXX	0.276	0.598	0.748

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
o-Cresol	Report	Report	XXX	0.561	1.92	2.4
n-Decane	Report	Report	XXX	0.437	0.948	1.185
Fluoranthene	Report	Report	XXX	0.0268	0.0537	0.0671
n-Octadecane	Report	Report	XXX	0.302	0.589	0.736
Phenol	Report	Report	XXX	1.08	3.65	4.56
Pyridine	Report	Report	XXX	0.182	0.37	0.46
Osmotic Pressure (in mOs/kg)	XXX	XXX	XXX	51.43	102.86	128.57
Total Antimony	0.329	0.658	XXX	0.079	0.158	0.197
Total Arsenic	0.329	0.658	XXX	0.079	0.158	0.197
Total Cadmium	0.329	0.658	XXX	0.079	0.158	0.197
Total Cobalt	0.083	0.166	XXX	0.020	0.040	0.050
Total Copper	0.037	0.075	XXX	0.009	0.018	0.022
Total Lead	0.012	0.025	XXX	0.003	0.006	0.007
Total Mercury	0.00020	0.00041	XXX	0.00005	0.00010	0.00012
Total Nickel	0.225	0.450	XXX	0.054	0.108	0.135
Total Selenium	0.020	0.041	XXX	0.005	0.010	0.012
Total Silver	0.008	0.016	XXX	0.002	0.004	0.005
Total Zinc	0.329	0.658	XXX	0.079	0.158	0.197
Acetone	15.0	30.0	XXX	3.6	7.2	9.0
Bis(2-Ethylhexyl)Phthalate	0.008	0.016	XXX	0.002	0.004	0.005
Butyl Benzyl Phthalate	0.150	0.300	XXX	0.036	0.072	0.090
p-Cresol	0.688	1.376	XXX	0.165	0.330	0.412
2,4,6-Trichlorophenol	0.0075	0.015	XXX	0.0018	0.0036	0.0045

The proposed effluent limits for Outfall 201 are based on a design flow of 0.05 MGD.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Total Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	36.5	73.0	91.2
Ammonia Nitrogen (NH ₃ -N)	XXX	XXX	XXX	4.7	9.4	11.7
Total Suspended Solids	XXX	XXX	XXX	27	88	110
Oil and Grease	XXX	XXX	XXX	15	XXX	30
a-Terpineol	XXX	XXX	XXX	0.016	0.033	0.041
Benzoic Acid	XXX	XXX	XXX	0.071	0.12	0.18
p-Cresol	XXX	XXX	XXX	0.014	0.025	0.031
Phenol	XXX	XXX	XXX	0.015	0.026	0.032
Total Zinc	XXX	XXX	XXX	0.098	0.196	0.245

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Equivalent Treatment Determination
- Receipt of Residual Waste
- Requirements Applicable to Stormwater Outfalls
- Notification of Shutdown of Rochem Treatment System

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401.

WQM Permit No. 1512410, Sewage, **Easttown Municipal Authority**, 566 Beaumont Road, Devon, PA 19333.

This proposed facility is located in Easttown Township, **Chester County**.

Description of Action/Activity: Construction of a new submersible sewage pumping station and emergency generator building/control building, associated piping and electrical work, site work and demolition of the existing pump station.

WQM Permit No. 1512411, Sewage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335.

This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pumping station to discharge 13,950 gallons per day.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 3112402, Sewerage, **Huntingdon Borough**, 530 Washington Street, PO Box 592, Huntingdon, PA 16652.

This proposed facility is located in Huntingdon Borough, **Huntingdon County**.

Description of Proposed Action/Activity: Replacement of the City League Sanitary Sewer Line.

WQM Permit No. 0612202, Industrial Waste, **New Morgan Landfill Company, Inc.**

This proposed facility is located in New Morgan Borough, **Berks County**.

Description of Proposed Action/Activity: Construction of leachate treatment facilities.

Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. 5912201, CAFO (SIC 0213), **Remley Farms Swine Facility**, 1170 Salt Spring Road, Roaring Branch, PA 17765.

The receiving stream, Salt Spring Run, is in watershed 5E and classified for: High-Quality—Cold Water Fishery (HQ-CWF).

Description of Proposed Action/Activity: Remley Farms Swine Facility, an existing swine farm, proposes construction of a new 1.49 MG, under barn manure storage facility impoundment. The new and existing manure storage facilities will hold a total stored volume of approximately 3.0 MG of manure. The proposed facility is designed with a perimeter drain leak detection system with a dedicated observation well.

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. WQG016192, Sewerage, **Dorothy J. Shotts**, 195 White Road, Dayton, PA 16222

This proposed facility is located in Cowanshannock Township, **Armstrong County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a single residence sewage treatment facility.

WQM Permit No. 6312403, Sewerage, **California Borough**, 225 Third Street, California, PA 15419

This proposed facility is located in California Borough, **Washington County**

Description of Proposed Action/Activity: Permit application for the construction and operation of a sewage treatment plant.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from 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 151213	Tasty Baking Oxford, LLC 700 Lincoln Avenue Oxford, PA 19363	Chester	Oxford Borough	Unnamed Tributary Big Elk Creek (HQ-TSF)
PAI01 511202	Philadelphia Authority for Industrial Development 1500 Market Street Suite 2600 West Tower Philadelphia, PA 19102	Philadelphia	City of Philadelphia	Schuylkill/Tidal Watershed (WWF-MF)
PAI01 461204	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Montgomery	West Norriton and Lower Providence Townships	Schuylkill River/Delaware River Watersheds (WWF and MF)

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Lehigh County Conservation District: Lehigh Ag. Ctr., Ste. 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912007	John Zaharchuk Summit Realty Advisors, LLC 610 W. Germantown Pike Ste. 100 Plymouth Meeting, PA 19462	Lehigh	Upper Macungie Twp.	Schaefer Run, HQ-CWF, MF

Luzerne County Conservation District: 325 Smith's Pond Road, Shavertown, PA 18708, 570-674-7991.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024012002	Landview Properties, Inc. James Comes 5 Manorview Drive Dallas, PA 18612	Luzerne	Dallas Twp.	Bowman Creek, HQ-CWF, MF; Toby Creek, CWF, MF

Northampton County Conservation District: 14 Gracedale Avenue, Greystone Building, Nazareth, PA 18064, 610-746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807007R	James and Sharon Carty 454 St. James Court Nazareth, PA 18064	Northampton	Bushkill Twp.	Bushkill Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032806008R	Mark R. Flohr 1350 Lincoln Way East Chambersburg, PA 17201-2211	Franklin	Guilford Township	Falling Spring Branch HQ/CWF
PAI030610012	Quaker Development Company 4339 Morgantown Road Mohnton, PA 19540	Berks	Robeson Township	Beaver Run/ Hay Creek HQ-CWF, MF/EV, MF
PAI030608019(1)	East Penn Manufacturing Co., Inc. PO Box 147 Lyon Station, PA 19536	Berks	Richmond Township	Moselem Creek HQ-CWF, MF
PAI033612004	Luke Humphreys 231 West State Street Quarryville, PA 17566	Lancaster	Colerain Township	UNT West Branch Octorario Creek/ HQ, CWF
PAI034412003	AutoZone, Inc. 123 South Front Street Memphis, TN 38103	Mifflin	Granville Twp.	UNT to Juniata River/ HQ-CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456, (724) 438-4497

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052612003	First Energy Corporation Curt Matthews 311 S. Seventh Street Connellsville, PA 15425	Fayette	City of Connellsville	Youghiogheny River (HQ-CWF)

Washington County Conservation District, 2800 North Main Street, Suite 105, Washington, PA 15301, (724) 705-7098

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056306005R	Shiloh Development Equipment Yard 204 Commerce Blvd PO Box 603 Lawrence, PA 15055	Washington	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

**STATE CONSERVATION COMMISSION
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<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>Renewal/ New</i>
Holly Haines 21976 Tannery Road Shade Gap, PA 17255	Huntingdon	108.69 acres owned for manure application	450 AEUs 4.14 AEUs/ac	Dairy Heifers	NA	New

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held 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 related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that 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 may 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 Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 4012506, Public Water Supply.

Applicant	Aqua Pa. Inc. (Laurel Lakes System) 1 Aqua Way White Haven, Pa. 18861
[Township or Borough]	Rice Township Luzerne County
Responsible Official	Mr. Patrick Burke Regional Manger Northeast and Central Operations
Type of Facility	Public Water Supply
Consulting Engineer	CET Engineering Services Mr. William LaDieu PE. 1240 North Mountain Road Harrisburg, PA. 17112
Application Received Date	April 23, 2012

Description of Action This project provides for the feed of a phosphate compound to sequester the iron and manganese in the Laurel Lakes System. It also authorizes the eliminate of caustic soda feed in the Vista Well station

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3612510, Public Water Supply.

Applicant **Millersville University**
 Municipality Millersville Borough
 County **Lancaster**
 Responsible Official Kenneth E. Dearstyne, Assoc. VP for Finance and Administration
 PO Box 1002
 Millersville, PA 17551
 Type of Facility Public Water Supply
 Consulting Engineer J. Anthony Sauder, P.E.
 Pennoni Associates, Inc.
 3001 Market Street
 Philadelphia, PA 19143
 Application Received: 4/18/2012
 Description of Action Primary disinfection change from sodium hypochlorite to gas chlorine.

Permit No. 6712508, Public Water Supply.

Applicant **The York Water Company**
 Municipality West Manheim Township
 County **York**
 Responsible Official Mark S Snyder,
 Engineering Manager
 130 East Market Street
 PO Box 15089
 York, PA 17405-7089
 Type of Facility Public Water Supply
 Consulting Engineer Mark S Snyder, P.E.
 The York Water Company
 130 East Market Street
 PO Box 15089
 York, PA 17405-7089
 Application Received: 4/27/2012
 Description of Action Discontinuation of fluoride treatment in the West Manheim Township, York County water system.

Permit No. 3612513, Public Water Supply.

Applicant **Manheim Borough Authority**
 Municipality Manheim Borough
 County **Lancaster**
 Responsible Official David Fenicle,
 Operations Manager
 15 East High Street
 Manheim, PA 17545
 Type of Facility Public Water Supply

Consulting Engineer Gregory J Gromicko, P.E.
 RETTEW Associates, Inc.
 5031 Richard Lane
 Mechanicsburg, PA 17055

Application Received: 5/18/2012

Description of Action Eliminate fluoridation from Manheim Borough Authority's water system.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 0212516, Public Water Supply.

Applicant **Municipal Authority of the Borough of Oakmont**
 PO Box 73
 721 Allegheny Avenue
 Oakmont, PA 15139
 [Township or Borough] Plum Borough
 Responsible Official John D. Dunlap, General Manager
 Municipal Authority of the Borough of Oakmont
 PO Box 73
 721 Allegheny Avenue
 Oakmont, PA 15139
 Type of Facility Water system
 Consulting Engineer NIRA Consulting Engineers, Inc.
 950 Fifth Avenue
 Coraopolis, PA 15108
 Application Received Date April 24, 2012
 Description of Action Painting, repairs and installation of a PAX mixer at the 1.5 MG East Oakmont water storage tank.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 4012504MA

Applicant **Hazleton City Authority**
 [Township or Borough] Sugarloaf Township
Luzerne County
 Responsible Official Randy Cahalan, Manager
 Hazleton City Authority
 400 East Arthur Gardner Highway
 Hazleton, PA 18201
 Type of Facility Community Water System
 Consulting Engineer John G. Synoski, PE
 Schumacher Engineering, Inc.
 55 North Conahan Drive
 Hazleton, PA 18201
 570-455-9407, Ex. 102
 Application Received Date April 25, 2012

Description of Action Application for replacement of existing conveyance line with larger diameter line to meet 4-log inactivation of viruses at the Tomhicken CWS.

Application No. 2400114

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] **Butler Township Luzerne County**
 Responsible Official Anthony Donatoni, VP
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date May 7, 2012
 Description of Action Application for transfer of the Beach Mountain Well No. 1 4-log PWS operation permit from Total Environmental Solutions, Inc. to Aqua Pennsylvania, Inc.

Application No. 2400114

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] **Butler Township Luzerne County**
 Responsible Official Anthony Donatoni, VP
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date May 7, 2012
 Description of Action Application for transfer of the Beach Mountain Well No. 2 4-log PWS operation permit from Total Environmental Solutions, Inc. to Aqua Pennsylvania, Inc.

Application No. 4012508MA

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] **Exeter Township Luzerne County**
 Responsible Official Patrick R. Burke
 Regional Manager, SE & Central Ops.
 Aqua Pennsylvania, Inc.
 1 Aqua Way
 White Haven, 18661
 Type of Facility Community Water System
 Consulting Engineer William A. LaDieu, PE
 CET Engineering Services—GHD
 1240 North Mountain Road
 Harrisburg, PA 17112
 717-541-0622
 Application Received Date May 14, 2012

Description of Action Application for construction of a 4-in. diameter by 1100 LF water line to convey raw water from the Hillside CWS well to the Hex Acres CWS well station.

Application No. 2400114

Applicant **Aqua Pennsylvania, Inc.**
 [Township or Borough] **Butler Township Luzerne County**
 Responsible Official Anthony Donatoni, VP
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010
 Type of Facility Community Water System
 Consulting Engineer NA
 Application Received Date May 7, 2012
 Description of Action Application for transfer of the PWS operation permit for Beach Mountain/Silverleaf Resorts from Total Environmental Solutions, Inc. to Aqua Pennsylvania, Inc.

Application No. 4012507MA

Applicant **Pennsylvania-American Water Co.**
 [Township or Borough] **Kingston Township Luzerne County**
 Responsible Official David Kaufman, VP Engineering
 800 West Hershey Park Drive
 Hershey, PA 17033
 Type of Facility Community Water System
 Consulting Engineer Hyon Duk Shin, PE
 Borton-Lawson
 3897 Adler Place
 Bethlehem, PA 18017
 484-821-0470, Ex. 2105
 Application Received Date May 4, 2012
 Description of Action Application for replacement of 2400 LF of 30-in. diameter cast iron water main along SR 309 and Hillside Road adjacent Toby's Creek.

Application No. 4012505MA, Minor Amendment.

Applicant **Aqua Pennsylvania, Inc. Greenbriar Water System**
 1 Aqua Way
 White Haven, PA. 18661
 [Township or Borough] **Lehman Township Luzerne County**
 Responsible Official Mr. Patrick Burke
 Regional Manager
 Type of Facility Public Water Supply
 Consulting Engineer William A. LaDieu, PE.
 CET Engineering Services—GHD
 1240 North Mountain Road
 Harrisburg, PA. 17112
 Application Received Date April 23, 2012

Description of Action This project provides for the installation of a 110 gallon hydro pneumatic tank in the well station to provide additional pressurized storage in the system and the replacement of (2) chem feed pumps.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 1112504MA, Minor Amendment.

Applicant **Spangler Municipal Authority**
1202 Philadelphia Avenue
Northern Cambria, PA 15714

[Township or Borough] Barr Township and
Northern Cambria Borough

Responsible Official Ms. Evelyn Long
Spangler Municipal Authority
1202 Philadelphia Avenue
Northern Cambria, PA 15714

Type of Facility Water system

Consulting Engineer DW LaSota Engineering
901 6th Avenue
Patton, PA 16668

Application Received Date May 22, 2012

Description of Action Installation of an emergency interconnection with the Watkins Area Water Authority and installation of approximately 4,850 feet of 8-inch waterline

Application No. 6512502MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] Penn Township

Responsible Official William Castelli, Distribution
Facilities Superintendent
Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853

Application Received Date February 10, 2012

Description of Action Painting of the interior and exterior of the Arlington water storage tank.

Application No. 6512501MA, Minor Amendment.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] Unity Township

Responsible Official William Castelli, Distribution
Facilities Superintendent
Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering
Co., Inc.
1004 Ligonier Street
PO Box 853

Application Received Date February 10, 2012

Description of Action Painting of the interior and exterior of the Charter Oak #1 water storage tank.

Application No. 5612503MA, Minor Amendment.

Applicant **Lincoln Township Municipal Authority**
PO Box 162
Sipesville, PA 15561

[Township or Borough] Lincoln Township

Responsible Official Bruce Hottle, Chairman
Lincoln Township Municipal
Authority
PO Box 162
Sipesville, PA 15561

Type of Facility Water system

Consulting Engineer Somerset Planning and
Engineering Services
222 West Main Street
Suite 100
Somerset, PA 15501

Application Received Date May 16, 2012

Description of Action Installation of approximately 7,000 feet of 6-inch PVC waterline and appurtenances.

Application No. 1112505GWR, Minor Amendment.

Applicant **Saint Francis University**
PO Box 600
Physical Plant
Loretto, PA 15940

[Township or Borough] Loretto

Responsible Official Ronald L. Woodring, Water
Treatment Plant Supervisor
Saint Francis University
PO Box 600
Physical Plant
Loretto, PA 15940

Type of Facility Water system

Consulting Engineer
Application Received Date April 30, 2012

Description of Action Demonstration of 4-log treatment for groundwater sources

Application No. 3012504MA, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**
PO Box 187
1442 Jefferson Road
Jefferson, PA 15344

[Township or Borough] Center Township

Responsible Official Joseph Simatic, Manager
Southwestern Pennsylvania Water Authority
PO Box 187
1442 Jefferson Road
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Application Received Date May 17, 2012

Description of Action Installation of approximately 2,570 feet of 12-inch ductile iron waterline and appurtenances.

Application No. 0412502GWR, Minor Amendment.

Applicant **David D'Atri**
320 Sunset Drive
Baden, PA 15005

[Township or Borough] New Sewickley Township

Responsible Official David D'Atri, Owner
320 Sunset Drive
Baden, PA 15005

Type of Facility Water system

Consulting Engineer

Application Received Date April 24, 2012

Description of Action Demonstration of 4-log treatment for groundwater sources at the Forestbrook Mobile Home Park

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the 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. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall 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 demonstrates attainment of one or a combination of cleanup standards or 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 contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. 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 listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Schatzel Property, 543 R. Main Street, Weatherly Borough, **Carbon County**. Jeremy Bolyn, Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Notice of Intent to Remediate on behalf of his client, Jessica Schatzel, 102-08 164 Drive, Hamilton Beach, NY 11414, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, corroded feed-line from an aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The future use of the property will remain residential. A summary of the Notice of Intent to Remediate was published in *The Standard Speaker* on May 10, 2012. A Final Report was simultaneously submitted.

Former Deichman-Walker Chevrolet, 3600 William Penn Highway, Palmer Township, **Northampton County**. Sandra Szempruch-Koza, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate on behalf of her client, T&T Equities, LLC, 3903 Hecktown Road, Easton, PA 18045, concerning the remediation of soil found to have been

impacted by toluene and ethylbenzene as a result of spills and/or leaks from the paint waste cabinet at this former automobile dealership. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil. The anticipated future use of the property will remain commercial. A summary of the Notice of Intent to Remediate was published in *The Express Times* on April 19, 2012. A Final Report was simultaneously submitted.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Property at 1170 Loucks Road, York, PA 17404, York City, **York County**. Hillis-Carnes Engineering Associates, 10975 Guilford Road, Suite A, Annapolis Junction, MD 20701, on behalf of 1170 Loucks Road, LLC, 2867 Westwind Lane, York, PA 17404, submitted a Notice of Intent to Remediate site soils contaminated with gasoline. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is a convenience store and gas station.

Property at 3434 Lincoln Highway East, Paradise, PA 17562, Paradise Township, **Lancaster County**. Mulry & Cresswell Environmental Inc., 1679 Horseshoe Pike, Glenmoore, PA 19343, on behalf of Doutrich Homes, Inc., 3333 Lincoln Highway East, Paradise, PA 17562, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline released from unregulated underground storage tanks. The site will be remediated to the Residential Statewide Health standard. Future use is unknown.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Former Jersey Engine Rebuilders, Warren Township, **Bradford County**. Moody & Associates, Inc., 685 Broad Street Extension, Suite 1, Waverly, NY 14892 on behalf of Nick & Brandy Bevacqua, 40675 Route 187, Rome, Pa 18837 has submitted a Notice of Intent to Remediate groundwater contaminated with volatile organic compounds. The applicant proposes to remediate the site to meet the Site Specific Standard.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Gilpatrick Residence, 1042 Rockville Road, Borough of South Fork, **Cambria County**. Crawford Environmental Services, 195 Proudfoot Drive, Birdsboro, PA 19508 on behalf of Ryan Gilpatrick, 1042 Rockville Road, South Fork, PA 15954 has submitted a Notice of Intent to Remediate the site soil and groundwater from an accidental home heating fuel oil spill to a residential statewide health standard. A Final Report was simultaneously submitted. Notice of Intent to Remediate was published in the *Tribune Democrat* on March 29 2012.

Chevron Appalachia, LLC Robinhill #15-#18 Well Site, Robinson Township, **Washington County**. Chevron Appalachia 1550 Coraopolis Heights Road, Moon Township PA has submitted a Notice of Intent to Remediate the soil and groundwater on the well site at 720 Washington Road due to a leak from a crack in a condensation line. The site soil and groundwater will be remediated to a residential statewide health standard. The site is expected to remain in use as a natural gas well site. Notice of the Intent to remediate was published in the *Washington Observer Reporter* on May 17 2012.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The 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 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 received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may 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 (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air 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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

35-322-013: Keystone Sanitary Landfill, Inc. (249 Dunham Drive, Dunmore, PA 18512) to use three candle

flares and reactivate an existing enclosed flare at their facility in Dunmore Borough and Troop Borough, **Lackawanna County**.

45-302-078: Sanofi Pasteur, Inc. (Discovery Drive, Swiftwater, PA 18370-0187) to modify their existing boilers to use natural gas as an alternate fuel at their facility in Pocono Township, **Monroe County**.

48-309-136: Hercules Cement Co. (501 Hercules Drive, PO Box 69, Stockertown, PA 18083) for replacement of existing three clinker cooler baghouses and stack with a new combined clinker cooler baghouse and new stack at their facility in Stockertown Borough, **Northampton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

63-00965A: M3 Appalachia Gathering, LLC (1099 Main Avenue, Suite 210, Durango, CO 81301) for installation of four G3612 compressor engines and the removal of three G3516 compressor engines at their Twilight Compressor Station in West Pike Run Township, **Washington County**.

30-00170A: (Correction to previous notice) **Laurel Mountain Midstream Operating LLC** (Westpointe Corporate Center Three, 1605 Coraopolis Heights Road, Moon Township, PA 15108) for two (2) new natural gas-fired compressor engines and other equipment typically found at a natural gas production facility at Brown Compressor Station in Greene Township, **Greene County**.

32-00422A: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for installation of natural gas compressor station (3) natural gas-fired engine drive compressors (4,735 bhp), (4) natural gas-fired combustion turbines (200 kW), (2) triethylene glycol (TEG) dehydration units (225 MMscfd each) with a shared reboiler and flare (8) storage tanks (each 10,000 gallons or less), (1) natural gas-fired fuel gas heater (0.25 MMBtu/hr) at Blackjack Compressor Station, in Blacklick Township, **Indiana County**.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

67-03147A: Namasco Corp. (319 N Court Ave, Louisville, MS 39339) for construction of a new cutting table at their facility in the City of York, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection

(DEP) has received and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval 67-03147A is for the construction and temporary operation of a new plasma / oxyfuel cutting table. The company shall be subject to and comply with 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Annual emissions from the proposed project are estimated to be less than one ton each of Carbon Monoxide (CO), Particulate Matter (PM₁₀), Sulfur Oxides (SO_x), Volatile Organic Compounds (VOCs) and Combined HAPs. Maximum annual Nitrogen Oxide (NO_x) emissions are estimated to be approximately 3.04 tons per year.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Daniel C. Husted, P.E., New Source Review Chief, may be contacted at 717-705-4863, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

49-00002A: ConAgra Grocery Products Co. (30 Marr Street, Milton, PA 17847) for construction and operation of six (6) storage silos and associated fabric collectors at their facility in Milton Borough, **Northumberland County**. The silos will be used to store ingredients prior to their introduction to the manufacturing process. This facility is a major facility for which a Title V Operating Permit has been issued.

The Department's review of the information submitted by ConAgra indicates that the proposed silos and associated fabric collectors will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive emission limitation of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13 and the Best Available Technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue a plan approval for the construction and operation of the sources and air cleaning devices proposed

in this application. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 49-00002 via an administrative amendment pursuant to 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P141 consists of six (6) 225,000 pound capacity storage silos used to store hard wheat and semolina. Each storage silo shall have the particulate matter emissions controlled by its own dedicated MAC model 39AVSC25 fabric collector (IDs C141A, C141B, C141C, C141D, C141E and C141F).

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions in the exhaust of each fabric collector associated with Source ID P141 shall not exceed 0.003 grain per dry standard cubic foot.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions in the exhaust of the fabric collectors associated with Source ID P141.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, each fabric collector associated with the silos of Source ID P141 shall be equipped with instrumentation that continuously monitors the pressure drop across the collectors.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall keep on hand a sufficient quantity of spare fabric collector bags for Control Device IDs C141A—C141F associated with Source P141 in order to be able to immediately replace any bag that requires replacement.

6. The permittee shall record the pressure drops across each of the fabric collectors at least once per day. The permittee shall keep these records for a minimum of five years and the records shall be presented to the Department upon request.

Copies of the application and Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

Interested persons may submit written comments, suggestions, or objections concerning the proposed plan approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address, and telephone number of the commentator, identification of proposed Plan Approval 49-00002A, and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin*, or by telephone, where the Depart-

ment determines that notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648. Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to do so should contact the Department or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-161C: Greentree Landfill Gas Co., LLC (7913 Westpark Drive, Suite 101, McLean, VA 22102) for modification of conditions with regard to the two compressor engines and the installation of control devices in Horton Township, **Elk County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the Title V operating permit at a later date.

This modification and installation of control devices will result in emissions of 2.9 tpy for CO, 29.06 tpy for NO_x, 1.36 tpy of formaldehyde, and 2.9 tpy for VOC. This Plan Approval will contain conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- Source 103 & 104 (Engine #1 and #2):
 - Emissions shall comply with 25 Pa. Code §§ 123.1 and 123.31 for fugitive and odor emissions respectively.
 - No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of total particulate matter (TPM) (both filterable and condensable) in the effluent gas exceeds 0.02 grain per dry standard cubic foot.
 - The internal combustion engines shall be equipped and operated with air cleaning devices that reduce emissions to levels equal to or less than:
 - NO_x at rated bhp and operating at rated speed—1.5 grams per bhp-hour (gms/bhp-hr)
 - NMHC at rated bhp and operating at rated speed—0.15 gms/bhp-hr
 - CO at rated bhp and operating at rated speed—0.15 gms/bhp-hr
 - At operating conditions less than rated capacity, internal combustion engines shall, on a pounds-per-hour basis, emit no more than they emit at rated bhp and rated speed.
 - Visible emissions in excess of the following limitations:
 - Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any one hour.
 - Equal to or greater than 30% at any time.
- Subject to 40 CFR 63 Subpart ZZZZ

- Stack test for NO_x and VOC (NMOC) while performing the required CO testing as part of Subpart ZZZZ.

- The facility shall conduct subsequent performance tests for NO_x and VOC (NMOC) every 8,760 hrs or 3 years, whichever comes first while performing the required CO testing as part of Subpart ZZZZ.

- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall maintain comprehensive, accurate records which, at a minimum, shall include:

- The number of hours per calendar year that each engine operated.

- The amount of fuel used per calendar year in each engine.

- The permittee shall maintain records or report the following:

- Records including a description of testing methods, results, all engine operating data collected during the tests, and a copy of the calculations performed to determine compliance with emission standards.

- Copies of the report that demonstrates that the engines were operating at rated bhp and rated speed conditions during performance testing.

- The permittee shall maintain a record of the following from the operational inspections.

- Engine Load

- Engine Speed

- The permittee shall perform a daily operational inspection of the control device.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan ap-

proval [24-161C] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00005: Merck & Co., Inc. (770 Sumneytown Pike, West Point, PA 19486-0004) for renewal of their Title V Operating Permit in Upper Gwynedd Township, **Montgomery County**. The Title V Operating Permit was most recently issued on September 1, 2011. The facility's major emission points boilers, incinerators, power generation equipment, support equipment for R & D, and pharmaceutical manufacturing processes, which emit major levels of nitrogen oxides (NO_x), Sulfur oxides (SO_x), volatile organic compounds (VOCs), particulate matter (PM), and PM-10. CAM (40 CFR Part 64) was addressed at the previous renewal in 2007. All new and revised regulatory changes have been addressed in this renewal. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

55-00023: Kerrico Corp. (2254 Route 522, Selinsgrove, PA 17870-8732) for renewal of their Title V Operating Permit for their facility in Penn Township, **Snyder County**. The facility is currently operating under Title V Operating Permit 55-00023. The facility's sources include twelve heaters with heat input ratings ranging from 2.333 million Btu per hour to 0.075 million Btu per hour, a gelcoat operation, a cast resin operation, a cleanup operation and a mold prep operation. The facility has the potential to emit 2.07 tons of nitrogen oxides (NO_x) per year, 0.92 ton of carbon monoxide per year, 38.53 tons of volatile organic compounds (VOCs) per year, 0.01 ton of

sulfur oxides (SO_x) per year, 12.17 tons of particulate matter (PM/PM₁₀) per year and 37.55 tons of hazardous air pollutants (HAPs) per year. No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Title V operating permit have been derived from the applicable requirements of 40 CFR Part 63 and 25 Pa. Code Chapters 121–145.

The Compliance Assurance Monitoring (CAM) provisions are not applicable to the sources at this facility. Additionally, the renewal Title V operating permit contains applicable MACT requirements to the sources at the facility. The proposed Title V operating permit contains applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State air quality regulations.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 55-00001) and a concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

04-00013: Jewel Acquisition, LLC (100 River Road, Brackenridge, PA 15014) In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a Title V Operating Permit (TVOP) renewal to Jewel Acquisition, LLC to authorize the continued operation of a stainless steel sheets, strips and plates manufacturing facility located in Midland Boro., **Beaver County**. The facility consists of two electric arc furnaces, one argon-oxygen decarburization unit, continuous caster, a hot annealing and pickling line, a cold annealing and pickling line, two Sendzimir cold reduction mills, a DRAP line,

emission control equipment such as baghouses, scrubbers and other miscellaneous equipment associated with this type of operations.

The facility has the potential to emit 652.3 tons per year of SO₂, 1360.0 tons per year of NO_x, 115.7 tons per year of PM/PM₁₀ and 123.6 tons per year of VOCs which are above their respective major facility emission thresholds. The proposed TVOP renewal contains conditions relating to monitoring, recordkeeping and work practice standards.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may submit the information to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed TV Operating Permit (TVOP-04-00013) and a concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication.

65-00016: Latrobe Specialty Metals, A Carpenter Co. (2626 Ligonier St., Latrobe, PA, 15650) for operation of a specialty steel manufacturing facility located at in Latrobe Borough, **Westmoreland County**. This is a renewal of the Title V Operating permit.

In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

Latrobe Steel is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). Latrobe Steel manufactures stainless and other specialty alloy steels. Air emission sources at this facility include an electric arc furnace, an argon oxygen decarburization vessel, a ladle furnace, numerous heat treating furnaces, vacuum induction melting processes, various rolling, grinding, welding and sawing/shearing operations, scarfing and descaling machines, a boiler, miscellaneous heating units, a pickle tank, a precision forging machine and a slag handling building. In 2011, the company reported the following type and quantity of emissions: CO, 103.8 tons per year (tpy); NO_x, 104.8 tpy; PM₁₀, 13.9 tpy; SO_x, 2.4 tpy; VOC, 7.7 tpy, total HAPs, 1.6 tpy, Chromium (individual HAP), 0.6 tpy; Hexane (individual HAP), 1.0 tpy; Ammonia, 1.9 tpy.

The Operating Permit contains appropriate emission limitations, testing, monitoring, recordkeeping, reporting requirements, and work practice standards. Further details on the conditions and the reasons for their inclusion are available upon request.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 400 Waterfront Drive, Pittsburgh, PA 15222.

Interested persons may submit written comments, suggestions or objections concerning the proposed Title V Operating Permit to the regional office within 30 days of publication of this notice. Written comments submitted to

the Department during the 30-day public comment period shall include the name, address and telephone number of the commentator, identification of the proposed Operating Permit No. TVOP-65-00016 and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such a notification is sufficient. Written comments or requests for a public hearing should be directed to Nicholas Waryanka, P.E., Operating Permits, 400 Waterfront Drive, Pittsburgh, PA 15222.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

16-00127: Piney Creek Limited Partnership, Piney Creek Power Plant (428 Power Lane, Clarion, PA 16214) for a Title V Operating Permit Re-issuance to operate an Electric Energy Generating Facility, located in Piney Township, **Clarion County**.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00037: CMS Gilbreth Packaging Systems, Inc. (3001 State Road, Croydon, PA 19021) for renewal of a facility-wide Operating Permit in Bristol Township, **Bucks County**. The facility's emission points include a large 10-station rotogravure printing press, a small 4-station rotogravure printing press, a small 7-station flexographic printing press, various seaming machines, and an automated parts washer, which have the potential to emit major levels of Volatile Organic Compounds (VOC) prior to the Regenerative Thermal Oxidizer; however, with this renewal, CMS Gilbreth is capping VOC emissions to below the major level threshold of 25 tons per year VOC. The facility is an area source for Hazardous Air Pollutants (HAP). There are no new sources at the facility and no new applicable regulations in this permit. The facility is subject to the recordkeeping requirements of 40 CFR Part 63 Subpart KK—National Emission Standards for Hazardous Air Pollutants in the Printing and Publishing Industry because the facility commits to the facility-wide HAP cap. The printing presses are subject to the requirements of 25 Pa. Code § 129.67 Graphic Arts Systems and 25 Pa. Code § 129.52 Surface Coating Operations. Sources at the facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64, and the facility is not subject to the Greenhouse Gas Requirements pursuant to the GHG Tailoring Rule, 40 CFR Parts 51, 52, 70, and 71, et al. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

35-00029: Community Health Systems (746 Jefferson Ave, Scranton, PA 18510) for operation of a general medical and surgical hospital in the City of Scranton, **Lackawanna County**. The sources consist of three (3) boilers and two (2) emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO_x) and sulfur oxides (SO_x). This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

48-00072: Versalift East, Inc. (2706 Brodhead Road, Bethlehem, PA 18020-9411) for operation of a spray coating operation in Bethlehem Township, **Northampton County**. The source consists of one spray booth that is considered a minor source of volatile organic compounds (VOCs) emissions. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

35-00034: Human Society of Lackawanna County (967 Griffin Pond, Clarks Summit, PA 18411-9214) for animal crematory services in South Abington Township, **Lackawanna County**. This is a renewal of the State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

64-00007: Hanson Aggregates Pa, LLC—Lake Ariel Quarry (7660 Imperial Way, Allentown, PA 18195) for sandstone crushed and broken stone mining and quarrying in Lake Township, **Wayne County**. This is a renewal of the State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

26-00477: BAE Systems Land & Armaments LP / Fayette Plant (2198 University Drive, Lemont Furnace, PA 15456) for the operation of refurbishing of various tracked military vehicles located in North Union Township, **Fayette County**. In accordance with 25 Pa Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of two spray booths, various natural gas heaters and one parts washer. The facility also consists of welding, grinding and sandblasting operations that are controlled by a baghouse that exhausts indoors. The facility has the potential to emit less than 10 tons of VOC per year. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the daily survey performed must be recorded. Records of all VOC containing solvents including volume used, mix ratio, density, percent weight of total volatiles, percent solid and name and identifica-

tion number of each solvent. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish 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 Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00477) and a concise statement regarding the relevancy of the information or objections to issuance of the Operating Permit.

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*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S11-031: Girard Medical Center (North Philadelphia Health Systems), (at 8th Street and Girard Avenue, Philadelphia, PA 19122) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two # 2 oil firing 150 Hp boilers, seven less than or equal to 50 Hp natural gas firing boilers, two less than 40 Hp natural gas firing water heater, and three emergency generators.

The operating permit will be issued under 25 Pa. Code, 3 Philadelphia Code and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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 Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). 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. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification 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 before 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—86.34.

Written comments or objections regarding 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.

A request 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.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

03851601 and NPDES No. PA0214540. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201) to renew the permit and related NPDES permit for the Dutch Run Prep Plant in Plumcreek Township, **Armstrong County** and to transfer the permit to Rosebud Mining Company from TJS Mining, Inc. No additional discharges. The application was considered administratively complete on May 21, 2012. Application received: April 2, 2012.

56851303 and NPDES No. PA0215350. RoxCOAL, Inc., (P. O. box 149, Friedens, PA 15541) to renew the permit for the Barbara No. 1 and No. 2 Mines in Stonycreek and Brothersvalley Townships, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on May 22, 2012. Application received: January 31, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

56060110 and NPDES No. PA0262251. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, permit renewal for reclamation only of a bituminous surface mine in Milford Township, **Somerset County**, affecting 41.4 acres. Receiving stream(s): unnamed tributaries to/and South Glade Creek classified for the following use(s): warm water fishery. There are no

potable water supply intakes within 10 miles downstream. Application received: May 17, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03010106 and NPDES Permit No. PA0250031. Black Rock Coal Co., Inc. (1107 University Drive, Dunbar, PA 15431). Renewal application for reclamation only to an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 34.3 acres. Receiving streams: Crooked Creek and unnamed tributary to the Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 21, 2012.

65840119 and NPDES Permit No. PA0601047. Derry Stone & Lime Co., Inc. (117 Marcia Street, Latrobe, PA 15650). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributaries to Stony Run and McGee Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: May 23, 2012.

03860108 and NPDES Permit No. PA0588695. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Renewal application for reclamation only to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 262 acres. Receiving streams: unnamed tributary to Limestone Run and Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 24, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33860113 and NPDES Permit No. PA0107387. Cloe Mining Company, Inc. (P. O. Box J, Grampian, PA 16838) Renewal of an existing bituminous surface mine in Young & Oliver Townships, **Jefferson County** affecting 311.6 acres. Receiving streams: Unnamed tributary to Little Elk Run, classified for the following uses: CWF. There are potable surface water supply intakes within 10 miles downstream. Application received: May 16, 2012.

16120103 and NPDES Permit No. PA0259284. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Monroe Township, **Clarion County** affecting 33.5 acres. Receiving streams: Unnamed tributary to Reids Run, classified for the following uses: CWF. There are potable surface water supply intakes within 10 miles downstream. Application received: May 22, 2012.

24990101 and NPDES No. PA0241491. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Renewal of an existing bituminous surface and auger mine in Horton Township, **Elk County** affecting 568.9 acres. Receiving streams: Unnamed tributary to Mead Run and Mead Run; unnamed tributary to Little Toby Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 25, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

13890201T and NPDES Permit No. PA0594580. Panther Creek Permitting, LLC, (67 Park Place East, Morristown, NJ 07960), transfer of an existing coal refuse reprocessing and coal ash placement operation from Panther Creek Partners in Nesquehoning Borough, **Carbon County** affecting 428.0 acres, receiving stream: Nesquehoning Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: May 15, 2012.

54-305-025GP12. Keystone Anthracite Co., Inc., (259 North 2nd Street, Girardville, PA 17935), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54080102 in West Mahanoy Township, **Schuylkill County**. Application received: May 18, 2012.

40-305-007GP12C. Mineral Reclamation, LLC, (30 Market Street, Pittston, PA 18640), application to modify a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 40110201 in Dupont and Avoca Boroughs, **Luzerne County**. Application received: May 21, 2012.

Noncoal Applications Received

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

37020307 and NPDES Permit No. PA0242276. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Revision to add 3.3 acres to the large industrial minerals surface mine in Wayne Township, **Lawrence County** affecting a total of 243.4 acres. Receiving streams: Unnamed tributaries to Beaver River and unnamed tributaries to Snake Run, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. The NPDES is also being revised to add a new discharge point. Application received: May 21, 2012.

22807-37020307-E-1. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 1 to Beaver River in Wayne Township, **Lawrence County** affecting a total of 243.4 acres. Receiving streams: Unnamed tributaries to Beaver River and unnamed tributaries to Snake Run, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 21, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

8275SM2A3C7 and NPDES Permit No. PA0045381. Martin Limestone, Inc., (P. O. Box 550, Blue Ball, PA 17506), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Earl and Ephrata Townships, **Lancaster County**, receiving stream: Conestoga River, classified for the following use: warm water fishes. Application received: May 16, 2012.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a 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 (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a

tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies 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; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT

limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality stan-

dards 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 (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Depart-

ment at the address of the district mining office indicated before each draft permit 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 § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days

of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and 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. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0213535 (Mining Permit No. 30841316), Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). A revision to the NPDES and mining activity permit for the Bailey Mine and Prep Plant in Morris Township, **Greene County** to add NPDES Outfall 032 for the 7 North 1 Shaft and Portal. Surface Acres Affected 52.9. Receiving stream Patterson Creek, classified for the following use(s): HQ-WWF. Monongahela River. The application was considered administratively complete on January 12, 2012. Application received November 30, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The proposed average daily discharge rate for Outfall 032 is 0.304 MGD

Outfall 032 discharges to: Patterson Creek

The proposed effluent limits for Outfall 032 Lat: 39° 56' 34.1" Long: 80° 19' 4.9" are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				
Manganese (mg/l)				
Aluminum (mg/l)				
Alkalinity greater than acidity ¹		Best Management Practices are Implemented for this Non-Degrading Discharge		
Total Suspended Solids (mg/l)				
Total Settable Solids (ml/l)				
Flow				
Osmotic Pressure (mOs/kg)				
Total Dissolved Solids (mg/l)				
Sulfates (mg/l)				
Chlorides (mg/l)				
Specific Conductance (umho)				

¹ The parameter is applicable at all times.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0259284 (Permit No. 16120103), Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Monroe Township, **Clarion County**, affecting 33.5 acres. Receiving streams: Unnamed tributary to Reids Run and unnamed tributary to Craggs Run, classified for the following uses: CWF. TMDL: Reids Run & Licking Creek. Application received: May 22, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Craggs Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		.75	1.5	1.88

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90
Osmotic Pressure (milliosmoles/kg)				50

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Reids Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No. PA-0257842 (Mining Permit No. 17110111), Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, new NPDES permit for surface coal mining in Bradford Township, **Clearfield County**, affecting 102.0 acres. Receiving stream(s): Valley Fork Run, classified for the following use(s): CWF, MF. [Clearfield Creek Watershed TMDL] Application received: September 21, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Valley Fork Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Yes
B	Yes
C	Yes

The outfall(s) listed below require a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB1	Yes

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

Noncoal NPDES Draft Permits

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0259241 (Permit No. 37020306). The East Fairfield Coal Company (Box 217, 10900 South Avenue, North Lima, OH 44452) New NPDES permit for a large industrial minerals surface mine in North Beaver Township, **Lawrence County**, affecting 202.6 acres. Receiving streams: Honey Creek, classified for the following uses: HQ-CWF. TMDL: Honey Creek. Application received: March 15, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below requires a non-discharge alternative: The following limits apply to the emergency spillway outfalls discharging to Honey Creek

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
P-06	Y
P-01	N
P-02	N
P-03	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5
Suspended Solids (mg/l)				505

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No. PA #0257800, (Mining Permit No. 14110301), for HRI, Inc., 1750 West College Avenue Suite 1, P. O. Box 155, State College, PA 16801. This is a new NPDES permit for a Large Industrial Minerals Surface Mining Permit in Snow Shoe Township, **Centre County**, affecting 57.3 acres. Receiving stream(s): Unnamed Tributary to Black Moshannon Creek classified for the following use(s): HQ-CWF (Moshannon Creek Watershed TMDL). Application received: August 8, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF-2	Y

There is no proposed surface discharge from the above listed facility to the receiving stream due to the implementation of Best Management Practices.

NPDES No. PA0257508 (Mining Permit No. 17100301), City of DuBois, 16 West Scribner Avenue, DuBois, PA 15801, new NPDES permit for Large Industrial Minerals Surface Mining in Sandy Township, **Clearfield County**, affecting 242 acres. Receiving stream(s): LaBorde Branch, Stony Run, and Sugarcamp Run classified for the following use(s): CWF (LaBorde Branch Watershed TMDL). Application received: November 29, 2010.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to LaBorde Branch, Stony Run (TF-14, TF-15, SP-5, & SP-6), and Sugarcamp Run (TF-16 & SP-7):

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TF9	Y
TF10	Y
TF11	Y
TF12	Y
TF12	Y
TF13	Y
TF14	Y
TF15	Y
TF16	Y
TF17	Y
SP1	Y
SP2	Y
SP3A	Y
SP3B	Y
SP4	Y
SP5	Y
SP6	Y
SP7	Y

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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the 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, the issuance of a Dam Permit or Water

Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an 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. Each individual 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 working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Watershed Management Program Manager, 2 East Main Street, Norristown, PA 19401

E15-826. Anselma Crossing, L.P., 2323 Chester Springs Road, Chester Springs, PA 19425, West Pikeland Township, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the construction of the proposed development in the floodway of Pickering creek (HQ-TSF):

1) To place fill in approximately 1,885 square feet of the floodway associated with the construction of the proposed building No. 1.

2) To grade within floodway associated with the construction of approximately 20-foot wide, 290-foot long section of the of proposed roadway access.

3) To install and maintain a various utility pipes within the floodway.

4) To construct and maintain a 24-inch water main across Pickering Creek.

5) To modify and extend the existing 30-inch culvert associated with access road widening.

6) To construct and maintain an outfall structure located at the northern end of the property.

The project will permanently impact approximately 20 linear feet of stream. The site is located approximately 1,526 feet southwest of the intersection of Byers and Conestoga Roads in West Pikeland Township, Chester County (Malvern, PA, USGS Quadrangle N: 15.20 inches; W: 2.5 inches).

E15-829. Tredyffrin Township, 1100 Duportail Road, Berwyn, PA 19312, Tredyffrin Township, **Chester County**, ACOE Philadelphia District.

To rehabilitate and maintain the existing sewer trunk line along and across Crabby Creek (Perennial, EV), and wetlands (EV, PEM/PFO1). The project will include 5 stream crossings, 3 wetland crossings, and about 275 feet of stream bank restoration. The site is located between Maple Avenue and Route 202 (Valley Forge, PA USGS Quadrangle N: 10.3 inches; W: 13.25 inches).

E46-1081. North Penn Water Authority, 300 Forty Foot Road, Hatfield Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachments activities associated with the construction of a water storage tank:

1) To construct and maintain a 120-foot diameter water storage tank impacting approximately 0.60 acre of Wetlands (PFO/PSS).

2) To construct and maintain approximately 630 linear feet of a 24-foot wide access road impacting approximately 0.08 acre of wetlands (PFO/PEM) to facilitate access to the proposed tank.

3) To construct and maintain approximately 505 linear feet of 16-inch diameter pipe in wetlands (PSS) to accommodate discharged from the proposed tank.

The project will impact temporarily 1.96 acres and will permanently impact 0.60 acre of wetlands respectively. The site is located approximately 1,161 feet west of the intersection of Unionville Pike and Richmond Road in Hatfield Township, Montgomery County (Telford, PA USGS Quadrangle N: 7.06 inches; W: 6.66 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E13-171. Lake Harmony Estates Property Owners Association, 632 Drinker Turnpike, Convinton Township, PA 18424, in Kidder Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 24-foot long Jetty in Lake Harmony consisting of four 43-inch high, 6-foot long interlocking plastic barriers for the purpose of preventing sand migration from an existing beach. The project is located at the Lake Harmony Estates Beach on the north side of South Lake Drive near its intersection with Wood Street (Blakeslee, PA Quadrangle, Latitude: 41°3'33.2"; Longitude: -75°36'8.0").

E66-153. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Mehoopany Township, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 31-foot wide roadway crossing of Little Mehoopany Creek (CWF, MF) consisting of a single span pre-stressed concrete spread box beam bridge with a normal span of 34.2 feet and an approximate underclearance of 5.9 feet. The project also includes temporary wetland impact of 0.01 acre. The project is located at S.R. 4002, Segment 0170, Offset 0530 (Meshoppen, PA Quadrangle, Latitude: 41°34'40"; Longitude: -76°4'52").

E40-723. Wayne E. Strausser, 377 Wapwallopen Road, Nescopeck, PA 18635, in Nescopeck Township, **Luzerne County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill/excavate 0.07 acre of wetlands within the Wapwallopen Creek Watershed (CWF, MF) for the construction of an irrigation pond and non-jurisdictional dam. The project is located on east side of SR 0239 (Wapwallopen Road) approximately 0.8 mile south of its intersection with SR 3036 (River Road) (Berwick, PA Quadrangle Latitude: 41° 03' 56.3"; Longitude: -76° 07' 39.1") in Nescopeck Borough, Luzerne County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4802.

E21-428: East Pennsboro Township (Brentwater Pump Station Upgrade), 98 South Enola Drive, Enola, Pennsylvania 17025, in East Pennsboro Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain a 4.0-foot by 11.0-foot concrete pad and generator in the floodplain of Conodoguinet Creek (WWF) for the purpose of providing backup power to the Brentwater Pump Station, located along Brentwater Road in East Pennsboro Township, Cumberland County (Harrisburg West, PA Quadrangle; N: 2.01 inches, W: 9.44 inches; Latitude: 40°15'39.9", Longitude: -76°56'33.7").

E21-430: Lower Allen Township, 2233 Gettysburg Road, Camp Hill, Pennsylvania 17011, in Lower Allen Township, **Cumberland County**, ACOE Baltimore District

To construct and maintain four pedestrian boardwalk crossings of four separate exceptional value PEM wetlands for the purpose of constructing a pedestrian trail all within the floodway of Yellow Breeches Creek (CWF, MF), connecting the Allendale and Beacon Hill neighborhoods in Lower Allen Township, Cumberland County (Lemoyne, PA Quadrangle; N: 16.4 inches, W: 1.5 inches; Latitude: 40°12'55", Longitude: -76°53'08"). The trail is proposed to be constructed at existing grade and elevation to maintain existing profiles and cross sections so as to avoid placing fill in the regulated floodway. The crossings are proposed to have a cumulative permanent impact of 0.01 acre, and temporary impact 0.04 acre. The amount of wetland impact is considered a de minimus impact of 0.01 acre and wetland replacement is not required.

E28-375: Sean McFarland, Washington Township Municipal Authority, 11102 Buchanan Trail East, Waynesboro, Pennsylvania 17268, in Washington Township and Waynesboro Borough, **Franklin County**, ACOE Baltimore District

To construct and maintain:

1) approximately 23,800.0 lineal feet of sanitary sewer in the floodplain of Red Run (CWF, MF), unnamed tributaries to East Branch Antietam Creek (CWF, MF), and East Branch Antietam Creek (CWF, MF);

2) a 30.0-inch diameter DIP sanitary sewer line in and across Red Run (CWF, MF);

3) a 36.0-inch diameter DIP sanitary sewer line;

4) 30.0-inch diameter PVC sanitary sewer line;

5) 24.0-inch PVC sanitary sewer line;

6) 18.0-inch diameter PVC sanitary sewer line;

7) 15.0-inch diameter PVC sanitary sewer line;

8) 15.0-inch diameter PVC sanitary sewer line, and across an unnamed tributary to East Branch Antietam Creek (CWF, MF);

9) 36.0-inch diameter DIP sanitary sewer line;

10) two 30.0-inch diameter DIP sanitary sewer lines;

11) 24.0-inch diameter DIP sanitary sewer line in and across East Branch Antietam Creek (CWF, MF);

12) a 380.0-foot long, 30.0-inch diameter PVC sanitary sewer line in and across a PEM wetland;

13) a 210.0-foot long, 30.0-inch diameter PVC sanitary sewer line in and across a PEM EV wetland;

14) 45.0-foot long, 30.0-inch diameter PVC and 24.0-inch diameter PVC sanitary sewer line in and across a PEM EV wetland;

15) 66.0-foot long, 15.0-inch diameter PVC sanitary sewer line in and across a PEM wetland; and

16) two wetland crossings temporarily impacting 260.0 square feet of PEM wetlands and 1,306.0 square feet of PEM EV wetland.

The project starts along Stottlemeyer Road (T397) (Waynesboro, PA Quadrangle; N: 2.52 inches, W: 8.20 inches; Latitude: 39°45'50", Longitude: -77°33'30") and ends along Lyons Road (T363) (Smithsburg, PA Quadrangle; N: 18.46 inches, W: 12.81 inches; Latitude: 39°43'36", Longitude: -77°35'28") in Washington Township and the Borough of Waynesboro, Franklin County. The purpose of the project is to replace the existing aging wastewater conveyance system.

E36-901: Martin Murray (Yarrum Development Project), 5020 Ritter Road, Mechanicsburg, Pennsylvania 17055, in West Donegal Township, **Lancaster County**, ACOE Baltimore District

To: 1) construct and maintain a 12.0-inch depressed, 35.0-foot long, 23.0-foot wide, 6.0-foot high concrete box culvert with fish baffles in an unnamed tributary to Conewago Creek (TSF), permanently impacting 0.08 acre of scrub shrub/emergent wetland and temporarily impacting 0.01 acre of palustrine emergent/scrub shrub wetland; 2) place and maintain fill in palustrine emergent/scrub shrub wetlands, permanently impacting 0.14 acre and temporarily impacting 0.09 acre of wetland, and 3) place and maintain 10.0 cubic yards of fill in the floodway of an unnamed tributary to Conewago Creek (TSF), all for the purpose of allowing for the construction of two warehouse distribution facilities. The project is located along Industrial Road, approximately 0.28 mile west of its intersection with S.R. 230 (Latitude: 40°09'41.3" N, Longitude: -76°38'50" W) in West Donegal Township, Lancaster County. The applicant is required to provide 0.22 acre of replacement wetland and proposes to create 0.28 acre of replacement wetland onsite.

Northwest Region: Oil and Gas Management Program, 230 Chestnut Street, Meadville, PA 16335

95-08-39070-003. CNX Gas Company, LLC, 280 Indian Springs Road, Suite 333, Indiana, PA 15701. Project proposes to operate and maintain the Big Run Centralized Impoundment as a centralized impoundment to collect and store flow-back water for the use and re-use of hydraulic fracturing water, from wells on the Big Run 10, Bowers Unit 1, Nardell Unit 1, and Reiter Unit 1 well pads, and future wells in the area. (McGees Mills, PA Quadrangle; Latitude: N 40° 58' 19.16", Longitude: W 78° 50' 22.27"), Gaskill Township, **Jefferson County**.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-047: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and impacting 3,554 square feet of an adjacent Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'41", Longitude: -76°15'47");

2. two 16 inch temporary waterlines and a timber mat bridge impacting 272 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'42", Longitude: -76°15'45");

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to Sugar Run (CWF, MF) (Wyalusing, PA Quadrangle Latitude: 41°37'43", Longitude: -76°15'38");

4. two 16 inch temporary waterlines and a timber mat bridge impacting 21 linear feet of an unnamed tributary to Sugar Run (CWF, MF) and impacting 356 square feet of an adjacent Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'44", Longitude: -76°15'31");

5. two 16 inch temporary waterlines and a timber mat bridge impacting 518 square feet of a Palustrine Emergent Wetland (Wyalusing, PA Quadrangle, Latitude: 41°37'45", Longitude: -76°15'04");

The project will result in 68 linear feet and 272 square feet of temporary stream impacts and 4,700 square feet (0.11 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E6629-010: Chief Gathering, LLC, 999 North Loyalsock Ave., Suite G, Montoursville, PA 17754, Lemon and Nicholson Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Karp Lateral Natural Gas Pipeline, which consists of one 12-inch, natural gas trunkline and associated temporary construction accesses, with impacts as follows:

1. 1,751 square feet of Palustrine Emergent (PEM) Wetlands and 60.0 linear feet of a UNT to Field Brook (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'13.8", Longitude: W75°49'40.5");

2. 65.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°38'06.5", Longitude: W75°49'50.0");

3. 3,595 square feet of Palustrine Emergent (PEM) Wetland and 60.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'51.9", Longitude: W75°49'54.2");

4. 20,735 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'42.0", Longitude: W75°49'50.6");

5. 17,380 square feet of Palustrine Emergent (PEM) Wetlands and 90.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'38.2", Longitude: W75°49'49.2");

6. 77.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Hop Bottom, PA Quadrangle, Latitude: N41°37'36.3", Longitude: W75°49'45.6");

7. 662 square feet of Palustrine Forested (PFO) Wetlands, 183 square feet of Palustrine Emergent (PEM) Wetlands, and 19.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°37'27.2", Longitude: W75°49'41.2");

8. 30.0 linear feet of Monroe Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'43.1", Longitude: W75°50'12.7");

9. 30.0 linear feet of a UNT to Monroe Creek (CWF, MF) via horizontal directional drilling and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'40.2", Longitude: W75°50'14.3");

10. 64.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF), 68.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF), and 5,136 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'28.7", Longitude: W75°50'42.7");

11. 60.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'18.9", Longitude: W75°51'04.2");

12. 64.0 linear feet of a UNT to Tunkhannock Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'08.7", Longitude: W75°51'16.0");

13. 28.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'01.9", Longitude: W75°51'53.9");

14. 16.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°36'01.3", Longitude: W75°51'57.9");

15. 596 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°36'00.0", Longitude: W75°52'01.3");

16. 46.0 linear feet of Oxbow Creek (CWF, MF) via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'53.1", Longitude: W75°52'19.1");

17. 50.0 square feet of Palustrine Emergent (PEM) Wetlands via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'52.3", Longitude: W75°52'20.9");

18. 70.0 square feet of Palustrine Scrub/Shrub (PSS) Wetlands via horizontal directional drilling (Factoryville, PA Quadrangle, Latitude: N41°35'51.5", Longitude: W75°52'22.7");

19. 2,855 square feet of Palustrine Emergent (PEM) Wetlands via temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'50.8", Longitude: W75°52'25.4");

20. 60.0 linear feet of a UNT to Oxbow Creek (CWF, MF) and 2,821 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'49.3", Longitude: W75°52'26.0");

21. 85.0 linear feet of a UNT to Oxbow Creek (CWF, MF) and 6,549 square feet of Palustrine Emergent (PEM) Wetlands via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'45.2", Longitude: W75°52'23.1"); and

22. 60.0 linear feet of a UNT to Oxbow Creek (CWF, MF) via open cut trenching and temporary timber matting (Factoryville, PA Quadrangle, Latitude: N41°35'43.8", Longitude: W75°52'23.1").

The project will result in 982.0 linear feet of temporary stream impacts, 56,515 square feet (1.30 acre) of impacts to Palustrine Emergent (PEM) Wetlands, 5,206 square feet (0.12 acre) of impacts to Palustrine Scrub/Shrub (PSS) Wetlands, and 662 square feet (0.02 acre) of impacts to Palustrine Forested (PFO) Wetlands, all for the purpose of one 12-inch, natural gas trunkline and associated temporary construction accesses for Marcellus shale development.

E6629-011: Chief Gathering, LLC, 999 North Loyalsock Ave., Suite G, Montoursville, PA 17754, Eaton and Forkston Townships, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Severcool Compressor and Natural Gas Pipeline, which consists of a natural gas compressor site with a permanent access road, and one 16-inch, natural gas trunkline with associated temporary construction accesses, with impacts as follows:

1. 853 square feet of Palustrine Emergent (PEM) Wetlands (W_154_TSD) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'39.7", Longitude: W76°02'34.4");
 2. 67.0 linear feet of a UNT to Newton Run (HQ-CWF, MF) (S_071_MJL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'45.5", Longitude: W76°02'49.1");
 3. 61.0 linear feet of a UNT to Roaring Run (HQ-CWF, MF) (S_032_LEL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'47.9", Longitude: W76°03'31.1");
 4. 63.0 linear feet of Roaring Run (HQ-CWF, MF) (S_030_LEL) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'39.3", Longitude: W76°04'33.2");
 5. 607 square feet of Palustrine Emergent (PEM) Wetlands (W_031_MKR) via open cut trenching and temporary timber matting (Noxen, PA Quadrangle, Latitude: N41°29'54.5", Longitude: W76°04'59.0");
 6. 51.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_040_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'23.2", Longitude: W76°05'15.4");
 7. 56.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_039_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'15.8");
 8. 101.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_038_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'16.2");
 9. 37.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_037_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.9", Longitude: W76°05'16.9");
 10. 15.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_041_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'23.3", Longitude: W76°05'18.9");
 11. 29.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_062_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.7", Longitude: W76°05'27.4");
 12. 82.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_060_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.5", Longitude: W76°05'33.8");
 13. 67.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_058_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'22.5", Longitude: W76°05'36.9");
 14. 60.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_067_ZDF) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'28.0", Longitude: W76°05'50.6");
 15. 27.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_057_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°30'41.6", Longitude: W76°06'26.0");
 16. 72.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_057_MJS) and 1,405 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_194_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'06.9", Longitude: W76°06'30.8");
 17. 18 square feet of Palustrine Emergent/Open Water (PEM/POW) Wetlands (W_193_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'07.5", Longitude: W76°06'30.9");
 18. 600 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_192_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'08.0", Longitude: W76°06'31.0");
 19. 31.0 linear feet of Bowman Hollow (HQ-CWF, MF) (S_150_MJS) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'11.9", Longitude: W76°06'29.9");
 20. 862 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_009_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'13.7", Longitude: W76°06'28.6");
 21. 1,635 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_010_MJL) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'16.6", Longitude: W76°06'28.5");
 22. 33 square feet of Exceptional Value Palustrine Emergent (PEM) Wetlands (W_248_MRV) via open cut trenching and temporary timber matting (Meshoppen, PA Quadrangle, Latitude: N41°31'17.9", Longitude: W76°06'28.5");
 23. 84.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_235_MJU) via the installation of two, 36-inch diameter pipe culverts for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'03.2", Longitude: W76°06'03.6");
 24. 118.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_234_MJU) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'07.8", Longitude: W76°06'07.0");
 25. 100.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_070_MRV) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'13.8", Longitude: W76°06'15.6");
 26. 53.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_233_MJU) via the installation of one, 18-inch diameter pipe culvert for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'14.6", Longitude: W76°06'16.6");
 27. 82.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_239_MJU) via the placement of fill for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'15.0", Longitude: W76°06'16.9"); and
 28. 70.0 linear feet of a UNT to Bowman Hollow (HQ-CWF, MF) (S_239_MJU) via the placement of fill for a permanent access road (Meshoppen, PA Quadrangle, Latitude: N41°31'14.8", Longitude: W76°06'17.7").
- The project will result in 152.0 linear feet of permanent stream impacts, 1,174.0 linear feet of temporary stream impacts, 5,995 square feet (0.14 acre) of impacts to Palustrine Emergent (PEM) Wetlands, and 18 square feet (0.01 acre) of impacts to Palustrine Emergent/Open Water (PEM/POW) Wetlands, all for the purpose of installing of a natural gas compressor site with a permanent access

road, and one 16-inch, natural gas trunkline with associated temporary construction accesses.

E0829-048: Angelina Gathering Company, LLC, 2350 N. Sam Houston Parkway Houston, TX 77032, Herrick Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 1,781 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'16", Longitude: -76°13'48");

2. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 1,059 square feet of a Palustrine Scrub-Shrub Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'15", Longitude: -76°14'09");

3. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 38 linear feet of Camps Creek (WWF, MF) and impacting 17,472 square feet of a Palustrine Emergent Wetland (Le Raysville, PA Quadrangle, Latitude: 41°46'18", Longitude: -76°14'31");

4. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) (Le Raysville, PA Quadrangle, Latitude: 41°46'26", Longitude: -76°14'40");

5. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 92 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 180 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'16", Longitude: -76°13'48");

6. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 1,406 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 46'43", Longitude: -76° 15'03");

7. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Camps Creek (WWF, MF) and impacting 2,782 square feet of a Palustrine Emergent Wetland (Rome, PA Quadrangle, Latitude: 41°46'45", Longitude: -76°15'07");

8. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 802 square feet of a Palustrine Emergent Wetland (PEM) (Rome, PA Quadrangle, Latitude: 41° 46'49", Longitude: -76° 15'15");

9. Two 12 inch diameter natural gas lines, a 16 inch diameter water line and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Camps Creek (WWF, MF) (Rome, PA Quadrangle, Latitude: 41°46'52", Longitude: -76°15'32");

The project will result in 386 linear feet and 2,734 square feet of temporary stream impacts, and 24,423 square feet (0.56 acre) of temporary PEM wetland impacts and 1,059 square feet (0.02 acre) of permanent PSS wetland impacts all for the purpose of installing a natural gas pipeline and a water line with associated access roadways for Marcellus shale development.

E0829-046: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 120 inch by 84 inch by 30 feet long box culvert with wingwalls and 122 linear feet of stream bank restoration with R-5 riprap impacting 152 linear feet of Little Tuscarora Creek (CWF) (Laceyville, PA Quadrangle Latitude: 41°41'35", Longitude: -76°11'30"),

The project will result in 152 linear feet or 2,425 square feet of temporary stream impacts, all for the purpose of installing a permanent access road to a natural gas well pad.

E0829-050: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Albany Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch temporary waterlines and a timber mat bridge impacting 747 square feet of a Palustrine Emergent Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'48", Longitude: -76°25'32");

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 3 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle Latitude: 41°33'49", Longitude: -76°25'48");

3. two 16 inch temporary waterlines and a timber mat bridge impacting 1,126 square feet of a Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'50", Longitude: -76°25'50");

4. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 25 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle Latitude: 41°33'47", Longitude: -76°26'01");

5. two 16 inch temporary waterlines and a timber mat bridge impacting 23 linear feet of an unnamed tributary to Lick Creek (EV) and impacting 52 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'46", Longitude: -76°26'01");

6. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 27 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle Latitude: 41°33'37", Longitude: -76°26'12");

The project will result in 78 linear feet and 413 square feet of temporary stream impacts and 1,925 square feet (0.04 acre) of temporary PEM, PSS and PFO wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E5929-031: SWEPI LP, 190 Thorn Hill Road, Warrendale, PA 15086, Sullivan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a 20 foot long, 36 inch diameter corrugated metal pipe, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 197 linear feet an unnamed tributary to Corey Creek (CWF) (Roseville, PA Quadrangle 41°47'50"N 76°59'36"W);

2) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 1,280

square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'51"N 76°59'40"W);

3) a temporary road crossing using a wood mat bridge, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 428 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'46"N 76°59'22"W);

4) a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 860 square feet a palustrine emergent (PEM) wetland (Roseville, PA Quadrangle 41°47'46"N 76°58'59"W);

5) a temporary road crossing using wood mat bridges, a 10 inch diameter fresh waterline, an 8 inch diameter natural gas line, and a fiber optic cable impacting 29,829 square feet a palustrine emergent/scrub-shrub/forested (PEM/PSS/PFO) wetland (Roseville, PA Quadrangle 41°47'46"N 76°58'53"W).

The project will result in 197 linear feet of temporary stream impact, a total of 32,397 square feet (0.74 acre) of temporary wetland impacts, all for the purpose of installing a fresh waterline, a natural gas line, a fiber optic cable, and associated access roadways in Sullivan Township, Tioga County.

E5829-027. Angelina Gathering Company, LLC; 2350 North Sam Houston Parkway, Suite 125, Houston, TX 77032; Lenox Township, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 4,342 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 39' 42", Longitude: -75° 41' 06"),

2) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 4,657 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 39' 45", Longitude: -75° 41' 02"),

3) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impacting 2,376 square feet of PEM wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 34"),

4) Two 12 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline impacting 2,909 square feet of PEM/PSS wetlands (Lenoxville, PA Quadrangle; Latitude: 41° 40' 13", Longitude: -75° 40' 34"),

5) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 71 lineal feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 39' 44", Longitude: -75° 41' 03"),

6) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 71 lineal feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 03", Longitude: -75° 40' 42"),

7) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 86 lineal feet of

an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 36"),

8) Two 12 inch diameter steel natural gas gathering lines, one 16 inch diameter HDPE waterline, and a temporary timber mat crossing impacting 109 lineal feet of an unnamed tributary to East Branch of the Tunkhannock Creek (Lenoxville, PA Quadrangle; Latitude: 41° 40' 12", Longitude: -75° 40' 35").

The project will result in 338 lineal feet of temporary impacts to stream channels and 0.33 acre of temporary wetland impacts, all for the purpose of installing two 16 inch diameter steel natural gas gathering lines and one 16 inch diameter HDPE waterline to provide for natural gas and freshwater conveyance for Marcellus Shale natural gas development.

E0829-049: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Ulster and North Towanda Township, **Bradford County,** ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter waterline and a timber mat bridge impacting 1,576 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'43", Longitude: -76°32'28");

2. a 12 inch diameter waterline and a timber mat bridge impacting 3,685 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°49'42", Longitude: -76°32'28");

3. a 12 inch diameter waterline impacting 3 linear feet of an unnamed tributary to Hemlock Run (WWF) (Ulster, PA Quadrangle Latitude: 41°49'18", Longitude: -76°32'13");

4. a 12 inch diameter waterline impacting 3 linear feet of an unnamed tributary to Hemlock Run (WWF) (Ulster, PA Quadrangle Latitude: 41°49'17", Longitude: -76°32'13");

5. a 12 inch diameter waterline impacting 3 linear feet of an unnamed tributary to Hemlock Run (WWF) and impacting 67 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (Ulster, PA Quadrangle, Latitude: 41°49'15", Longitude: -76°32'13");

6. a 12 inch diameter waterline impacting 30 square feet of a Palustrine Emergent Wetland and Palustrine Forested Wetland (Ulster, PA Quadrangle, Latitude: 41°49'14", Longitude: -76°32'13");

7. a 12 inch diameter waterline impacting 7 linear feet of an unnamed tributary to Hemlock Run (WWF) (Ulster, PA Quadrangle Latitude: 41°49'12", Longitude: -76°32'12");

8. a 12 inch diameter waterline impacting 20 linear feet of an unnamed tributary to Hemlock Run (WWF) and impacting 209 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (Ulster, PA Quadrangle, Latitude: 41°49'11", Longitude: -76°32'12");

9. a 12 inch diameter waterline impacting 3 linear feet of an unnamed tributary to Hemlock Run (WWF) and impacting 105 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Forested Wetland (Ulster, PA Quadrangle, Latitude: 41°49'09", Longitude: -76°32'12");

10. a 12 inch diameter waterline and a timber mat bridge impacting 42 linear feet of an unnamed tributary to Sugar Creek (WWF) and impacting 3,176 square feet of an adjacent Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (Ulster, PA Quadrangle, Latitude: 41°48'49", Longitude: -76°32'11");

11. a 12 inch diameter waterline and a timber mat bridge impacting 1,339 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°48'31", Longitude: -76°32'04");

12. a 12 inch diameter waterline and a timber mat bridge impacting 7,447 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°48'23", Longitude: -76°31'58");

13. a 12 inch diameter waterline and a timber mat bridge impacting 2,018 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°48'21", Longitude: -76°31'55");

14. a 12 inch diameter waterline and a timber mat bridge impacting 1,092 square feet of a Palustrine Emergent Wetland (Ulster, PA Quadrangle, Latitude: 41°48'18", Longitude: -76°31'49");

15. a 12 inch diameter waterline and a timber mat bridge impacting 52 linear feet of an unnamed tributary to Sugar Creek (WWF) (Ulster, PA Quadrangle Latitude: 41°48'13", Longitude: -76°31'41");

16. a 12 inch diameter waterline and a timber mat bridge impacting 49 linear feet of an unnamed tributary to Sugar Creek (WWF) (Ulster, PA Quadrangle Latitude: 41°48'11", Longitude: -76°31'38");

17. a 12 inch diameter waterline and a timber mat bridge impacting 51 linear feet of an unnamed tributary to Sugar Creek (WWF) (Ulster, PA Quadrangle Latitude: 41°48'00", Longitude: -76°31'18");

18. a 12 inch diameter waterline and a timber mat bridge impacting 45 linear feet of an unnamed tributary to Sugar Creek (WWF) (Ulster, PA Quadrangle Latitude: 41°47'53", Longitude: -76°30'56");

The project will result in 278 linear feet and 1,143 square feet of temporary stream impacts and 20,744

square feet (0.48 acre) of temporary PEM, PSS and PFO wetland impacts from a waterline and timber mat bridge crossings all for the purpose of establishing a water supply for Marcellus well development.

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Watershed Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

EA36-018: Dennis J. Murphy, VP/COO, PPL Holtwood LLC, Two North 9th Street, Allentown, Pennsylvania 18101, in Martic Township, **Lancaster County**, ACOE Baltimore District, FERC Project No. 1881

PPL proposes to construct and maintain two (2) permanent whitewater boating features temporarily impacting (cut/fill) 41,190.0 square feet of shallow water habitat, 117,718.0 square feet of fluctuation zone habitat, and 25,997.0 square feet of deep water habitat and permanently impacting (cut/fill) 18,850.0 square feet of shallow water habitat and 53,000.0 square feet of fluctuation zone habitat in the Susquehanna River (WWF), for the purpose of completing the Holtwood Hydroelectric Plant compensatory mitigation requirements authorized in the PA DEP Section 401 Water Quality Certification Issued June 15, 2009. The proposed project is located just downstream from the inactive fishway of Holtwood Dam along McCalls Ferry Road (Holtwood, PA Quadrangle; N: 14.0 inches, W: 11.0 inches; Latitude: 39°49'21.3", Longitude: -76°20'18") in Lower Chanceford Township, York County and Martic Township Lancaster County.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

D57-020EA. Larry Hatton, President, White Ash Land Association, 996 Dieffenbach Road, Dushore, PA 18614. Cherry Township, **Sullivan County**, ACOE Baltimore District.

Project proposes to remove the breached Sullivan Dam for the purpose of restoring the stream to a free flowing condition and eliminating a threat to public safety. The dam is located across Birch Creek (CWF) (Laporte, PA Quadrangle, Latitude: 41.4786; Longitude: -76.3766).

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<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 regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions 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 in the respective permit. The 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2553.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062383 (Industrial Waste)	3 Springs Bottled Water Plant 1800 Pine Run Road Laurel Run, PA 18702	Luzerne County Laurel Run Borough	Unnamed Tributary to Pine Creek (05B)	Y
PA0063479 (Sewage)	Hamlin Center LP—MCB Properties Management (Village Center at Hamlin) 554 Hamlin Highway Hamlin, PA 18427	Wayne County Salem Township	Unnamed Tributary to West Branch Wallenpaupack Creek (1-C)	N
PA0064092 (Sewage)	Beach Lake Municipal Authority WWTP State Route 652 Beach Lake, PA 18405	Wayne County Berlin Township	Beach Lake Creek (1-A)	Y

Southcentral Region: Clean Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 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>
PA0080284 (SEW)	New Oxford MHC, LLC 510 Dauberton Drive New Oxford, PA 17350-9073	Adams County / Mount Pleasant Township	UNT South Branch Conewago Creek / 7-F	Y
PA0081752 (SEW)	Lancaster Mennonite Conference (Philhaven Hospital) 283 Butler Road Lebanon, PA 17042-8939	Lebanon County / West Cornwall Township	Bachman Run / 7-D	Y
PA0038288 (SW)	RecOil, Inc. 280 East St. York, PA 17403	York County / York City	UNT Mill Creek / 7-H	Y
PA0087564 (Sew)	Donald & Linda Yingling 3574 Taneytown Road Gettysburg, PA 17325-8635	Adams County / Cumberland Township	UNT Plum Run / 13-D	Y
PA0024350 (Sew)	Dauphin Borough 200 S. Church St., PO Box 487 Dauphin, PA 17018	Dauphin County / Dauphin Borough	Susquehanna River / 3-C	Y
PA0248215 (Sew)	Steve Hurley (Hurley/Morrison Lot #4) 50 Frytown Road Newville, PA 17241	Cumberland County / Upper Frankford Township	UNT Conodoguinet Creek / 7-B	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>
PA0248321 (Sew)	Steve Hurley (Hurley/Morrison Lot #2 50 Frytown Road Newville, PA 17241	Cumberland County / Upper Frankford Township	UNT Conodoguinet Creek / 7-B	
PA0110744 (IW)	Evitts Creek Water Company 1032 Lake Gordon Road Bedford, PA 15522-5243	Bedford County / Cumberland Valley Township	UNT Evitts Creek / 13-A	Y
PA0038733 (Sew)	East Providence Township Municipal Authority PO Box 83 Breezewood, PA 15533	Bedford County / East Providence Township	UNT Tub Mill Run / 11-D	Y
PA0087408 (Sew)	Midway Lodgings, Inc. (Comfort Inn) PO Box 6 Bethel, PA 19507	Berks County / Bethel Township	UNT Little Swatara Creek / 7-D	Y

Southwest Region: Clean Water 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>
PA0217506 Sewage	Whispering Woods STP 479 Big Knob Road Rochester, PA 15074	Beaver County New Sewickley Township	UNT to Brush Creek	Y

****Renewal individuals

Northwest Region: Clean Water 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>
PA0103594 (Sewage)	Windsor MHP 2871 US Route 6N East, Edinboro PA 16412-9801	Erie County	Washington Township Unnamed Tributary to Little Conneauttee Creek (16-A)	Y
PA0103926 (Industrial Waste)	Component Intertech 2426 Perry Highway, Hadley, PA 16130-2924	Mercer County, Perry Township	Unnamed Tributary to Little Shenango River (20-A)	Y
PA0091189 (Sewage)	Slippery Rock Campground 1150 West Park Road, Slippery Rock, PA 16057	Butler County Worth Township	Slippery Rock Creek (20-C)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived 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 No.)</i>	<i>EPA Waived Y/N?</i>
PA0060259 (Sewage)	Tyler Hill Camp 1017 Cochection Turnpike Tyler Hill, PA 18469	Wayne County Damascus Township	Laurel Lake (1-A)	Y

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

WQM Permit No. 3512402, Sewage, SIC Code 4952, **Elmhurst Township Sewer Authority**, 112 Municipal Lane, Elmhurst, PA 18416.

This proposed facility is located in Elmhurst Township, **Lackawanna County**.

Description of Proposed Action/Activity: Replacement of an existing comminutor at the existing treatment plant with a new spiral screening unit.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 2087405, Sewerage **Amendment No. 1**, **Vernon Township Sanitary Authority**, 16678 McMath Avenue, Meadville, PA 16335-6588.

This existing facility is located in Vernon Township, **Crawford County**.

Description of Proposed Action/Activity: This modification is to add chemical addition (liquid alum) for phosphorus control and effluent metering. The effluent metering is to control the alum addition.

WQM Permit No. WQG018838, Sewage, **Robert E. Billington, Sr.**, 277 Tower Road, Jamestown, PA 16134.

This proposed facility is located in Greene Township, **Mercer County**.

Description of Proposed Action/Activity: This new facility will replace a malfunctioning on-lot system.

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>
PAI01 1505008-R2	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Chester	East Whiteland Township	Valley and Little Valley Creeks (EV)
PAI01 151201	Ludwigs Corner Horseshow Association PO Box 754 Uwchland, PA 19480	Chester	West Vincent Township	Unnamed Tributary Black Horse and Marsh Creeks (HQ-TSF)

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>
PAI024010004(4)	PPL Electric Utilities Co. 2 North Ninth St. Allentown, PA 18101	Monroe	Middle Smithfield Twp.	Bushkill Creek, HQ-TSF, MF; Delaware River, WWF, MF; Sand Hill Creek, HQ-CWF, MF
PAI024010007	Walden Estates, Inc. 57 N. Mountain Blvd. Mountaintop, PA 18707	Luzerne	Fairview Twp.	Big Wapwallopen Creek, HQ-CWF, MF
PAI024812001	Moravian Academy 7 East Market St. Bethlehem, PA 18018	Northampton	Bethlehem Twp.	Bushkill Creek, HQ-CWF, MF; Monocacy Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030709002	Mr. Nelson Martin Old Order Weaverland Conference Mennonite Church 261 Crossroads Lane Martinsburg, PA 16662	Blair	North Woodbury Township	Yellow Creek/Susquehanna River Basin HQ-CWF
PAI032910002	Mr. Steve Everhart PO Box 428 Hustontown, PA 17229	Fulton	Taylor Township	Lamberson Branch/ HQ-CWF
PAI033111002	Andrew Harpster Evergreen Farms (Satellite Manure Storage) 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	Franklin Township	Spruce Creek/HQ-CWF
PAI033111003	Andrew Harpster Evergreen Farms (Manure Storage Tank) 3102 Evergreen Lane Spruce Creek, PA 16683	Huntingdon	Franklin Township	Spruce Creek/HQ-CWF

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041412002	Lee Myers Geisinger Medical Clinic 100 N Academy Ave Danville PA 17822	Centre	Patton Township	UNT to Buffalo Run HQ-CWF

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056310004-1	PennDOT District 12-0 825 North Gallatin Avenue Uniontown, PA 15401	Washington	South Strabane Township	Little Chartiers Creek (HQ-WWF)

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Erie County Conservation District, 1927 Wagner Road, Erie PA 16509

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062509002(1)	Erie Regional Airport Authority Attn: Chris Rodgers 4411 West 12th Street Erie PA 16509	Erie	Millcreek Township	Marshall Run CWF; Wilkins Run CWF; Crooked Creek HQ

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
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 Non-Exceptional 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)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

General Permit Type—PAG-02

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>
Kennett Square Borough	PAG0200 1510011-R	YMCA of Brandywine Valley One East Chestnut Street West Chester, PA 19380	Red Clay Creek (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Whiteland Township Chester County	PAG0200 1507010-R	Chester County Department of Facilities and Parks 313 West Market St, Ste 5402 West Chester, PA 19380	Valley Creek No. 2 (West) (CWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Phoenixville Borough Chester County	PAG0200 1512008	Phoenixville Borough 140 Church Street Phoenixville, PA 19460	French Creek (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Nether Providence Township Delaware County	PAG0200 2308042	CS Properties Building C27 Wallingford Avenue Wallingford, PA 19086	Tributary Crum Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Brunswick Twp. and Deer Lake Borough, Schuylkill County	PAG02005410008	PA Department of Transportation Engineering Dist. 5-0 Attn: Michael Keiser 1002 Hamilton Blvd. Allentown, PA 18101	Pine Creek, CWF, MF; Little Schuylkill River, CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Menallen Township Adams County	PAG02000112013	John K. Lott Bear Mountain Realty 1415 Potato Road Aspers, PA 17304	UNT to Opossum Creek/WWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Union Township Adams County	PAG02000112003	Karen Louey Littlestown Borough Authority Ten South Queen Street Littlestown, PA 17340	UNT to Alloway Creek/ WWF, MF	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Altoona City Blair County	PAG02000712002	James Marcelli Jaggard Street Realty, LLC 305 Cayuga Avenue Altoona, PA 16602	Brush Run/ WWF	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877
Carlisle Borough Cumberland County	PAG02002112009	Borough of Carlisle Bike & Pedestrian Trail Network 415 Franklin Street Carlisle, PA 17013	Conodoguinet Creek/ WWF, MF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Carlisle Borough Cumberland County	PAG02002112012	Dickinson College (Dickinson Park Soccer Field) 5 N. Orange St., PO Box 1773 Carlisle, PA 17013	Conodoguinet Creek/ WWF, MF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812
Southampton Twp. Cumberland County	PAG02002105054R	The Willow Group, Inc. (Timberland Estates) 1153 Ragged Edge Road Chambersburg, PA 17202	Burd Run/CWF	Cumberland Co Conservation Dist 310 Allen Road, Suite 301 Carlisle PA 17013 717.240.7812

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Antrim Township Franklin County	PAG02002806067R	Greg McKee Oliver Homes 19733 Leitersburg Pike Hagerstown, MD 21742	West Branch Conococheague Creek/ WWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Southampton Twp. Franklin County	PAG02002812008	David Sciamanna United Business Park 100 Lincoln Way East, Suite A Chambersburg, PA 17201	Furnace Run/ CWF	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg PA 17201 717.264.5499
Leacock Township Lancaster County	PAG02003611103	John K. Fisher 3260 East Gordon Road Gordonville, PA 17529	UNT Watson Run/WWF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Manheim Township Lancaster County	PAG02003607028R	Artz Development, LLC 2137 Embassy Drive, Suite 210 Lancaster, PA 17603	UNT Little Conestoga/ TSF	Lancaster Co Conservation District 1383 Arcadia Road, Room 200 Lancaster PA 17601 717.299.5361, Ext. 5
Annville Township Lebanon County	PAG02003812012	Don Santostefano LVC 101 North College Avenue Annville, PA 17003	Quittaphahilla Creek/ TSF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Bethel Township Lebanon County	PAG02003812005	James Heisey Fredericksburg Sewer and Water Authority 113 East Main Street Fredericksburg, PA 17026	Little Swatara Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
S. Londonderry Twp. Lebanon County	PAG02003810007R	Mark DiSanto Triple Crown Corporation 5351 Jaycee Avenue Harrisburg, PA 17112	Spring Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union Township Lebanon County	PAG02003812007	Andrew Kolb Ingram Micro Phase 3 One Meadowlands Plaza Suite 100 East Rutherford, NJ 07073	Forge Creek/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union Township Lebanon County	PAG02003809011(9)	Joel Sattazahn Pa. Air National Guard 1500 York Road Annville, PA 17003	Qureg Run to Swatara/ WWF	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Carroll Township Perry County	PAG02035012004	Kurt Matter 1825 Bressler Lane Marysville, PA 17053	UNT to Shermans Creek/ WWF	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Carroll Township Perry County	PAG02035012003	Ruth Jones 90 Rambo Hill Road Shermans Dale, PA 17090	UNT to Shermans Creek (WWF)	Perry Co. Conservation District 31 West Main St., PO Box 36 New Bloomfield, PA 17068 717.582.8988
Shrewsbury Borough York County	PAG02006705017R(2)	Phil Robinson Heathcote Glen, LP 18147 Amanda Drive New Freedom, PA 17349	UNT to Trout Run/WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Springettsbury Twp. York County	PAG02006712018	Keith Richters Buffalo Wild Wings 5500 Wayzata Boulevard Minneapolis, MN 55416	UNT Codorus Creek/ WWF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
York City York County	PAG02006712007	Scott Thigpen Chick-Fil-A 5200 Buffington Road Atlanta, GA 30349	Codorus Creek/ TSF	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Pine Township Allegheny County	PAR10A590R	Dominic Gigliotti Village of Pine LP 11279 Perry Highway Suite 509 Wexford, PA 15090	Pine Creek (CWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Franklin Park Borough Allegheny County	PAR10A539R	Robert Brennan Castletown, LLC 120 Brennan Lane Evans City, PA 16033	Rippling Run (TSF) Fish Run (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
West Deer Township Allegheny County	PAG02000212030	Anthony Glasso Glasso Development Company, LP 4201 Coahasset Lane Allison Park, PA 15101	Little Deer Creek (WWF) UNT to Deer Creek (WWF)	Allegheny County CD Lexington Technology Park Building 1 Suite 102 400 North Lexington Ave Pittsburgh, PA 15208 (412) 241-7645
Blacklick Township Center Township Indiana County	PAG02003211011-1	EME Homer City Generation, LP 1750 Power Plant Road Homer City, PA 15748	UNT to Two Lick Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
White Township Indiana County	PAG02003212001	Christine Marie Exploration LP 57 South 9th St Indiana, PA 15701	UNT to Yellow Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Chartiers Township Washington County	PAG02006310010R	JCG Development LLC PO Box 500 Meadowlands, PA 15347	Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
North Strabane Township Washington County	PAG02006312012	Washington Hospitality, LLC 250 Scott Avenue Morgantown, WV 26508	UNT to Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

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<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Peters Township Washington County	PAG02006312016	Ted Taylor Builders 609 East McMurray Road Suite 101 McMurray, PA 15317	UNT to Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
California Borough Washington County	PAG02006312018	California Hotel Associates, Inc. 2590 Elm Road, NE Warren, OH 44483	UNT to Pike Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Peters Township Washington County	PAG02006312020	Leonard Tsupros 115 Chubbic Road Canonsburg, PA 15317	Brush Run (WWF) Peters Creek (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098
Rostraver Township Westmoreland County	PAG02006510009R	PennDOT District 12-0 Joe J. Szczur PO Box 472 757 Lloyd Ave Latrobe, PA 15650	UNT to Monongahela River (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006511039	Hempfield Land Development Co. Denny Henry 4540 Route 136 Suite 11 Greensburg, PA 15601	UNT to Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Ligonier Township Westmoreland County	PAG02006512002	Bethlen Communities Rev. Imre Bertalan 125 Kalassay Drive Ligonier, PA 15658	Mill Creek (CWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Upper Burrell Township Westmoreland County	PAG02006512003	The Penn State University Ian M. Salada Room 101P, Office of Physical Plant Physical Plant Building University Park, PA 16802-1118	UNT to Pucketa Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006512005	Greensburg Property Associates, LLC Scott Sosso 209 Sigma Drive Pittsburgh, PA 15238	Jacks Run (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
North Huntingdon Township Westmoreland County	PAG02006512006	Apple American Group, LLC Pat Eulberg 6200 Oak Tree Blvd Suite 250 Independence, OH 44131	Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township Westmoreland County	PAG02006512009	Cummins-Bridgeway, LLC Chris Urban 21810 Clessie Court New Hudson, MI 48165	UNT to Speers Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

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>
Lawrence Township Clearfield County	PAG02001712006	Clearfield Area High Sch Thomas B Otto 438 River Rd Clearfield PA 16830	Welch Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 Phone: (814) 765-2629
Buffalo Township Union County	PAG02006012002	Mark Welger 962 Orchard Rd Millmont PA 17845	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

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>
Lancaster & Connoquenessing Townships Butler County	PAG02001006011(1)R	Brennan Brothers Inc Attn: Mr Robert Brennan 120 Brennan Lane Evans City PA 16033	Crab Run WWF	Butler County Conservation District 724-284-5270
Center Township Butler County	PAG02001007012R	Kress Brothers Builders Inc Attn: Mr. Bradley A. Kress 4930 South Pioneer Road Gibsonia PA 15044	Stony Run WWF	Butler County Conservation District 724-284-5270
Forward and Connoquenessing Townships Butler County	PAG02001012018	Rex Energy Operating Corporation 476 Rolling Ridge Road, Suite 300 State College PA 16801	Connoquenessing Creek WWF	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001012021	Zelienople Borough 111 West New Castle Street Zelienople PA 16063	Connoquenessing Creek WWF; Scholars Run WWF	Butler County Conservation District 724-284-5270
Harborcreek Township Erie County	PAG02002512002	Arneman Place L.P 229 Huber Village Blvd Westerville OH 43081	Five Mile Creek CWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002512001	Tresler-Rae Dahlkemper Partnership 3655 Davison Harborcreek PA 16421	Elk Creek CWF; MF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002512006	South Shore Construction Management Inc 2500 Palermo Drive Erie PA 16506	UNT Millcreek WWF; CWF	Erie County Conservation District 814-825-6403
City of Hermitage Butler County	PAG02004312002	HAA Associates LP Attn: Paul H. Achre PO Box 111325 1148 Old Freeport Rd Pittsburgh PA 15238	Bobby Run WWF	Mercer County Conservation District 724-662-2242

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR803731	J B Hunt Transport 2367 Sycamore Street Harrisburg, PA 17111	Spring Creek / CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
PAR603602	EZ Recycling 13004 Sandy Mt Road Orrstown, PA 17244	UNT to Conodoguinet Creek / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAR118338	Greenleaf Corporation PO Box 1040 Saegertown, PA 16433	Wolf Run and French Creek 16-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
PAR808365	Heath Oil, Inc. PO Box 941 Oil City, PA 16301	East Branch Wolf Creek 20-C	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG041071	Robert E. Billington, Sr. 277 Tower Road, Jamestown, PA 16134	Unnamed Tributary to the Little Shenango River 20-A	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
PAG080002	Jesse Baro, Inc. 157 Quarry Road Douglassville, PA 19518	David Stewart Farm Peach Bottom Township York County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
PAG080005			
PAG080007			
PAG080011			
PAG080013			
PAG080018			
PAG080020			
PAG082203			
PAG083518			
PAG083522			
PAG083533			
PAG083551			
PAG083605			
PAG089910			

General Permit Type—PAG-12

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Reading Township Adams County	PAG123731	Mike Boyer Farm 2783 Woodmont Drive York, PA 17404	Mud Run / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Strasburg Township Lancaster County	PAG123638	Lime Valley Farms Inc 1415 Lime Valley Road Lancaster, PA 17602	Walnut Run / WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

PUBLIC WATER SUPPLY (PWS) PERMITS

The Department 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 6711506 MA, Minor Amendment, Public Water Supply.

Applicant	The Borough of Hanover
Municipality	Hanover Borough
County	York

Responsible Official	Barbara Krebs, Borough Manager 44 Frederick Street Hanover, PA 17331
Type of Facility	Raw Water Main Replacement.
Consulting Engineer	Ronald L Orndorff, P.E. 44 Frederick Street Hanover, PA 17331
Permit to Construct Issued:	5/17/2012
Permit No. 0712501 MA, Minor Amendment, Public Water Supply.	
Applicant	GSP Management Company
Municipality	Allegheny Township
County	Blair
Responsible Official	Leanne Miller, Operations Manager PO Box 677 Morgantown, PA 19543
Type of Facility	Installation of two (2) 220 gallon storage tanks to increase chlorine contact time. Demonstration of 4-Log Treatment of Viruses for GWR.
Consulting Engineer	James A. Cieri, P.E. ACT ONE Consultants, Inc. 200 S. 41 Street Harrisburg, PA 17111
Permit to Construct Issued:	5/10/2012
Permit No. 2112510 MA, Minor Amendment, Public Water Supply.	
Applicant	PA Department of Corrections - Camp Hill State Correctional Institute
Municipality	Lower Allen Township
County	Cumberland
Responsible Official	Andrew Mione, Water Plant Operator 2500 Lisburn Road Camp Hill, PA 17001-8837
Type of Facility	Repainting of reactor. Repair filters and sand replacement.
Consulting Engineer	1 - Not Available

Permit to Construct 5/15/2012
 Issued:
Permit No. 3612512 MA, Minor Amendment, Public Water Supply.

Applicant **Denver Borough**
 Municipality Denver Borough
 County **Lancaster**
 Responsible Official Michael Hession,
 Borough Manager
 501 Main Street
 Denver, PA 17517
 Type of Facility Duplicate sodium
 hypochloritesystem and change
 of injection location for Denver
 Filter Plant.

Consulting Engineer 1 - Not Available
 Permit to Construct 5/17/2012
 Issued:

Operations Permit issued to: **DS Waters of America, Inc.**, 7366003, Heidelberg Township, **Berks County** on 5/23/2012 for the operation of facilities approved under Construction Permit No. 0611504.

Operations Permit issued to: **Lancaster County Bible Church**, 7360718, Rapho Township, **Lancaster County** on 5/22/2012 for the operation of facilities approved under Construction Permit No. 3612509 MA.

Operations Permit issued to: **GSP Management**, 4440005, Derry Township, **Mifflin County** on 5/17/2012 for the operation of facilities approved under Construction Permit No. 4411505 MA.

Operations Permit issued to: **Hillcrest Estates and Laurel Manor**, 4070045, Logan Township, **Blair County** on 5/22/2012 for the operation of facilities approved under Construction Permit No. 0711501 MA.

Operations Permit issued to: **Peifer & Gross, Inc.**, 7670027, Newberry Township, **York County** on 5/22/2012 for the operation of facilities submitted under Application No. 6712509 MA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. 0812501—Operation Public Water Supply.
 Applicant **Bradford County Sanitation, Inc.**
 [Township or Borough] Canton Township
 County **Bradford**
 Responsible Official Mr. Allen C. Palmer
 Bradford County Sanitation, Inc.
 13868 Route 14
 Canton, PA 17724
 Type of Facility Public Water Supply
 Consulting Engineer Dennis Lingenfelter, P.E.
 Uni-Tec Consulting
 Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16881

Permit Issued May 23, 2012
 Description of Action Operation of a bulk water
 hauling system, including 3
 transport vehicles, transfer
 equipment, 3 filling stations, and
 3 finished water source.

Permit No. 1709501—Operation Public Water Supply.
 Applicant **Cooper Township Municipal Authority**
 [Township or Borough] Cooper Township &
 Rush Township
 County **Clearfield & Centre**
 Responsible Official Larry Allen, Chairman
 Cooper Township Municipal
 Authority
 P. O. Box 466
 4596 Winburne Munson Road
 Winburne, PA 16879
 Type of Facility Public Water Supply
 Consulting Engineer Kerry Alan Uhler, Jr., P.E.,
 P. L.S. Kerry A. Uhler &
 Assoc., Inc.
 104 West High Street
 Bellefonte, PA 16823

Permit Issued May 25, 2012
 Description of Action Operation of three 363,000 gal.,
 glass-lined, steel bolted water
 storage tanks—one in Kylertown,
 one in Drifting and one located
 south of the water treatment
 plant and north of the Black
 Bear reservoir, known as the
 Black Bear water storage
 tank—and 3975' of 8" diameter
 DR-18 AWWA C-900 potable
 waterline to connect the Black
 Bear tank to the Authority's
 water treatment plant.

Permit No. 4111502—Operation Public Water Supply.
 Applicant **Pincrest Village Mobile Home Park**
 [Township or Borough] Eldred Township
 County **Lycoming**
 Responsible Official Mr. Terry Knittle
 Pincrest Village Mobile
 Home Park
 24 Pincrest Drive
 Williamsport, PA 17701
 Type of Facility Public Water Supply
 Consulting Engineer Thomas M. Levine, P.E.
 Levine Engineering, LLC
 P. O. Box 429
 Altoona, PA 16603
 Permit Issued May 25, 2012
 Description of Action Operation of Well No. 7 with
 3-stage cartridge filtration.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southwest Regional Office, Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Sewickley Township	233 Miller Road Rochester, PA 15074	Beaver

Plan Description: The approved plan provides for a proposal to install a small flow treatment facility rated at 500 gallons per day for a new home located along McElhaney Road (Lot 17), New Sewickley Township, Beaver County. The proposed treatment facility will discharge to an unnamed tributary to Crows Run and service a four-bedroom single family dwelling. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. The required NPDES and WQM Permits will be obtained in the name of the applicant as appropriate.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pike Township	810 Hill Church Rd, Boyertown PA 19512	Berks

Plan Description: Approval of a revision to the official plan of Pike Township, Berks County. The project is known as the Wolf Subdivision. The plan provides for two residential building lots using on lot sewage disposal systems. Lot 1 of this project consists of an existing 7.475-acre lot with an existing dwelling plus a lot addition of 15.851-acres culled from another existing lot for a resulting lot of 23.546 acres. Lot 2 of this project consists of the 11.417 acre remaining lands for a proposed single family dwelling. The proposed development is located in the Pine Creek Watershed (EV) on the north and south sides of Long Lane (SR 1026) east of its intersection with Heiligs School Road in Pike Township. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06952-102-2 and the APS Id is 776727. Permits for on lot sewage disposal systems must be obtained from the municipality.

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—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submis-

sion 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, will 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 reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. 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 under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Miller Property, 198 Peggy Runway Road, Berlin Township, **Wayne County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403 have submitted a Final Report on behalf of their client, Stacy Miller, 198 Peggy Runway Road, Beach Lake, PA 18405, concerning the remediation of soil found to have been impacted by No 2 fuel oil as a result of a release from a corrosive, unregulated 275-gallon aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Wayne Independent* on April 21, 2012.

Schatzel Property, 543 R. Main Street, Weatherly Borough, **Carbon County**. Jeremy Bolyn, Environmental Maintenance Co., Inc., 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report on behalf of his client, Jessica Schatzel, 102-08 164 Drive, Hamilton Beach, NY 11414, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, corroded feed-line from an aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Standard Speaker* on May 10, 2012. A Notice of Intent to Remediate was simultaneously submitted.

The Preserve at College Hill, NE of the Intersection of Apple Blossom and Mitman Roads, Forks Township,

Northampton County. David Farrington, Brickhouse Environmental, 515 S. Franklin Street, West Chester, PA 19382 has submitted a Final Report on behalf of his client, The Preserve at Forks Township, Inc., 3298 Jacksonville Road, Bethlehem, PA 18017, concerning the remediation of soil found to have been impacted by arsenic and lead. The report was submitted to document attainment of the Residential Statewide Health Standard and the Site-Specific Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express Times* on April 30, 2012.

Former Deichman-Walker Chevrolet, 3600 William Penn Highway, Palmer Township, **Northampton County.** Sandra Szempruch-Koza, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Final Report on behalf of her client, T&T Equities, LLC, 3903 Hecktown Road, Easton, PA 18045, concerning the remediation of soil found to have been impacted by toluene and ethylbenzene as a result of spills and/or leaks from the paint waste cabinet at this former automobile dealership. The report was submitted to document attainment of the Residential Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Express Times* on April 19, 2012. A Notice of Intent to Remediate was simultaneously submitted.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

PA Army National Guard, Fort Indiantown Gap, Shoppette, Building 9-66, Union Township, **Lebanon County.** PA Department of Military & Veteran Affairs, Fort Indiantown Gap, Building 0-11, Annville, PA 17003 submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

K & S Kwik Stop, Inc., Loyalsock Township, **Lycoming County.** MEA Inc., 1365 Ackermanville Road, Bangor, Pa 18013 on behalf of Brett Foust, 1450 East Third Street, Williamsport, Pa 17701 has submitted a Final Report concerning remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-trimethylbenzene, Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Bloomsburg Former MGP Site, Town of Bloomsburg, **Columbia County.** Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, Pa 19462 on behalf of Mr. Tony Rymar, UGI Utilities, Inc. 100 Kachel Blvd. PO Box 12677, Reading, PA 19612-2677 seeking liability protection has submitted a Site-Specific Standard Cleanup Plan concerning remediation of site soil and groundwater contaminated with MGP constituents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Bukoba Transportation Services, Greene Township, **Clinton County.** Northridge Group Inc. on behalf of Bukoba Transportation Services, 10855 Meadowglen Lane, Suite 808, Houston, TX 77042 has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethyl-

benzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Perfetti Trucking Inc., Lamar Township, **Clinton County.** Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Perfetti Trucking, Inc., 186 Perfetti Lane, Blairsville, Pa 15717 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health 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—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the 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 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 reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. 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 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 under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Chauca Residence, 732 Greenleaf Street, Allentown City, **Lehigh County**. Andrew K. Markoski and Jeffrey A. Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 submitted a Final Report on behalf of their client, Lucia Chauca, 136 South 17th Street, Allentown, PA 18104, concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release, which occurred during the delivery of fuel oil to the wrong address and was delivered to a fill pipe that wasn't connected to a storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on May 22, 2012.

Bethlehem Commerce Center—Saucon Tract-Lots 3, 4, and 5, 1805 East 4th Street, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 submitted a Cleanup Plan (on behalf of his client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by inorganics, VOCs and SVOCs as a result of historical manufacturing operations at the site. The report met the requirements of the Site-Specific Standard for soils and was approved by Central Office on May 22, 2012.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Schaefferstown Elementary School, 301 North Carpenter Street, Schaefferstown, Heidelberg Township, **Lebanon County**. SSM Group, Inc., 1047 North Park Road, Reading, PA 19610, on behalf of Eastern Lebanon County School District, 180 Elco Drive, Myerstown, PA 17067, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on May 24, 2012.

PA Army National Guard, Fort Indiantown Gap, Shoppette, Building 9-66, Union Township, **Lebanon County**. PA Department of Military & Veteran Affairs, Fort Indiantown Gap, Building 0-11, Annville, PA 17003 submitted a Final Report concerning remediation of site soils and groundwater contaminated with gasoline and No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on May 25, 2012.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701

Bukoba Transportation Services, Greene Township, **Clinton County**. Northridge Group Inc. on behalf of Bukoba Transportation Services, 10855 Meadowglen Lane, Suite 808, Houston, TX 77042 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 10, 2012.

Universal Well Services, Williamsport, Williamsport, **Lycoming County**. Sovereign Consulting, Inc., 50 West Welsh Pool Road, Suite 6, on behalf of Lundy Industrial Realty, 25 West Third Street #504, Williamsport, Pa 17701-6529 has submitted a Final Report concerning the remediation of site soil contaminated with ethylene glycol. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 8, 2012.

Perfetti Trucking Inc., Lamar Township, **Clinton County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Perfetti Trucking, Inc., 186 Perfetti Lane, Blairsville, Pa 15717 report has submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on May 10, 2012.

Northwest Region: Environmental Cleanup Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

US Bronze Foundry & Machine, Inc.—Metals Impacted Soils & Sediment, Woodcock Township, **Crawford County**. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046 on behalf of Pneumo Abex, LLC, c/o Briggs & Morgan PA, 2200 IDS Center, 80 South 8th Street, Minneapolis, MN 55402 has submitted a Cleanup Plan concerning the remediation of site soil and sediment contaminated with lead, copper, zinc, antimony, arsenic, barium, beryllium, cadmium, mercury, nickel, silver, selenium, thallium, plant debris, building materials and residual wastewater sludge. The Cleanup Plan was approved by the Department on May 17, 2012.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

General Permit Registration No. WMGR123NC007. Chesapeake Appalachia, LLC, 358 Viall Hill Road, Towanda, PA 18848. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on May 23, 2012.

General Permit Registration No. WMGR123NC009. EXCO Resources (PA), LLC, Reed Road, Hughesville, PA 17737. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by NorthCentral Regional Office on May 29, 2012.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit(s) Issued Under the Solid Waste Management Act, 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 18701-1915

Permit Application No. 301256. PPL Martins Creek-Ash Basin No. 1, PPL Martins Creek, LLC, Two North Ninth Street, GENOL6, Allentown, PA 18101-1179. A major permit modification approval for the revised closure/post-closure plan for this Class II residual waste disposal impoundment that is located in Lower Mt. Bethel Township, Northampton County. The Permit was issued by the Regional Office on May 3, 2012.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

66-399-015GP5: Chief Gathering LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on May 15, 2012, to construct and operate of ten CAT engines and one dehydrator at the Severcool Site in Forkston Township, **Wyoming County**.

58-310-059GP3: E.R. Linde Construction, Inc. (9 Collan Park, Honesdale, PA 18431) on May 10, 2012, to construct and operate a Portable Crushing Operation with watersprays at their site in Oakland Township, **Susquehanna County**.

58-329-052GP9: E.R. Linde Construction, Inc. (9 Collan Park, Honesdale, PA 18431) on May 10, 2012, to install and operate Diesel I/C engines at their site in Oakland Township, **Susquehanna County**.

58-310-060GP3: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 16, 2012, to construct and operate a Portable Crushing Operation with watersprays in Dimock Township, **Susquehanna County**.

58-329-053GP9: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 16, 2012, to install and operate a Diesel I/C engine in Dimock Township, **Susquehanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

GP1-36-03110: Rock Tenn-Southern Container, LLC (500 Richardson Drive, Lancaster, PA 17603) on May 22, 2012, for the continued operation of two natural

gas/#2 oil fired boilers at a facility in West Hempfield Township, **Lancaster County**. The general permit authorization was renewed.

GP14-06-03153: Peach Tree Branch, LLC (65 South 4th Street, Hamburg, PA 19526) on May 25, 2012 for the installation and operation of one human crematory and one animal crematory at the funeral home located in Ontelaunee Township, **Berks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP3-08-362A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 16, 2012, to construct and operate a portable non-metallic mineral mobile crushing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at their Newton facility located in Terry Township, **Bradford County**.

GP9-08-362A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 16, 2012, to construct and operate one Caterpillar model 3052 diesel-fired engine with a rating of 100 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at their Newton facility located in Terry Township, **Bradford County**.

GP5-59-189D: Talisman Energy USA, Inc. (50 Penwood Place, Warrendale, PA 15086) on May 24, 2012, to operate one natural-gas-fired 189 bhp Generac SG130 electric generator under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at Tract 587 State Lands Compressor Station in Ward Township, **Tioga County**.

GP3-08-365: Mellott Co. (100 Mellott Drive, Warfordsburg, PA, 17267) on May 24, 2012, to construct and operate a portable nonmetallic mineral processing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Glenn O. Hawbaker Bradford County Quarry in Burlington Borough, **Bradford County**.

GP11-08-365: Mellott Company (100 Mellott Drive, Warfordsburg, PA, 17267) on May 24, 2012, to construct and operate one 425 brake horsepower, Caterpillar C-12 diesel-fired engine, and one 143 brake horsepower, Deutz TCD2013L042V diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at the Glenn O. Hawbaker Bradford County Quarry in Burlington Borough, **Bradford County**.

GP9-41-696: Laurel Hill Wind Energy, LLC (1464 Marshall Road, Roaring Branch, PA, 17765) on May 24, 2012, to construct and operate one 234.5 brake horsepower, Caterpillar D-175-2 diesel-fired emergency generator engine, and two 2010 brake horsepower Cummins QSK50G4 diesel-fired engines pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-9): Diesel or #2 Fuel-fired Internal Combustion Engines at the Laurel Hill Wind Energy Project in Jackson Township, **Lycoming County**.

GP11-41-696: Laurel Hill Wind Energy, LLC (1464 Marshall Road, Roaring Branch, PA, 17765) on May 24, 2012, to construct and operate one 1340 brake horsepower, Cummins QST30G5 diesel-fired engine pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad engines at the Laurel Hill Wind Energy Project located in Jackson Township, **Lycoming County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP1-16-160A: Clarion Altela Environmental Services, LLC (3099 Piney Dam Road, Clarion, PA 16214) on May 16, 2012, to operate a 25.106 mmbtu/hr natural gas fired boiler, manufactured by Superior Boiler Works, Model No. W7-X-3000-S15-PFCF-G, (BAQ-GPA-GP1) in Piney Township, **Clarion County**.

Plan Approvals Issued under the Air Pollution Control Act 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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

09-0027G: Fres-Co System USA, Inc. (3005 State Road, Telford, PA 18969) on May 25, 2012, for a new 10 station Rotogravure Press to replace an existing press in West Rockhill Township, **Bucks County**. Fres-Co is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

58-329-037: Tennessee Gas Pipeline Co. LLC (1211 Greenville Mercer Road, Mercer, PA 16137-1819) on May 9, 2012, to construct and operate one Simple Cycle Gas Turbines at their site in Clifford Township, **Susquehanna County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

06-05008B: SFS Intec, Inc. (PO Box 6326, Wyomissing, PA 19610-0326) on May 21, 2012, for installation and temporary operation of a new dip spin coating line at the metal fastener manufacturing facility in Wyomissing Borough, **Berks County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

59-00017C: Hitachi Metals Automotive Components USA, LLC (18986 Route 87, Tioga, PA 16946-8815) on May 16, 2012, for a modification to increase the volatile organic compound emission limitation for the

pouring & cooling section of Line 2013 and to limit the iron throughput in Line 2013 at their facility in Lawrence Township, **Tioga County**.

08-00041A: Appalachia Midstream Services (PO Box 18496, Oklahoma City, OK 73154-0496) on May 22, 2012, to construct five (5) compressor-engines rated at 3550 hp and install controls on the existing dehydration units at the Stagecoach Junction Compressor Station (formerly Stagecoach Compressor Station) in Wyalusing Township, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

63-00955B: National Fuel Gas Supply Corp. (1100 State St., Erie, PA 16512) on May 23, 2012, to allow the construction and temporary operation of two new Solar Taurus 70 natural gas-fired compressor turbines rated at 10,280 HP each and the continued operation of two existing Caterpillar G3608 lean burn natural gas-fired compressor engines rated at 2,370 bhp each at the Buffalo Compressor Station located in Buffalo Township, **Washington County**. A total of two natural gas-fired compressor turbines and two natural gas-fired compressor engines will be located at this site after this authorization.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

23-0003P: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003S: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003T: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003U: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

23-0003V: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Plan Approval for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised Plan Approval contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

09-0189B: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on May 21, 2012, to operate a wet suppression in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program (909 Elmerton Avenue, Harrisburg, PA 17110)

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

36-05079D: Chester County Solid Waste Authority (7224 Division Highway, Honey Brook, Pennsylvania 19344) on May 25, 2012, for the Area E expansion of the Lanchester Landfill in Caernarvon Township, **Lancaster County**. The plan approval was extended.

36-05154A: Mount Joy Wire Corp. (1000 East Main Street, Mount Joy, Pennsylvania 17552) on May 25, 2012, to install a spark ignition Reciprocating Internal Combustion Engine (RICE) for a combined heat and power project at the wire manufacturing facility in Mount Joy Borough, **Lancaster County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

60-00014A: Evangelical Community Hospital (One Hospital Drive, Lewisburg, PA 17837) on April 29, 2012, to extend the authorization to operate a biomass-fired boiler at their facility in Kelly Township, **Union County** on a temporary basis to October 26, 2012. The plan approval has been extended.

14-00014C: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on May 21, 2012, to extend the authorization to operate a sources at their facility in Spring Township, **Centre County** on a temporary basis to November 17, 2012. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

32-00393B: Prime Metals & Alloys, Inc. (101 Innovation Drive, P. O. Box 194, Lucernemines, PA 15754) on May 24, 2012, to extend the period of temporary operation of four electric induction furnaces, one argon-oxygen decarburization (AOD) vessel, four natural gas-fired annealing boxes, two natural gas-fired ladle pre-heaters, ingot and pig pouring, slag handling, and a parts washer at its Homer City Plant in Center Township, **Indiana County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00046: Accellent, Inc. (200 West 7th Avenue, Collegeville, PA 19426) On May 22, 2012, for operation of a facility used to manufacture narrow metal tubing for use in medical and aerospace applications in Trappe Borough, **Montgomery County**. The permit is for a Title V facility. The main emissions from this facility are trichloroethylene, a volatile organic compound and hazardous air pollutant from the degreasing of metal parts. The emissions of volatile organic compounds are limited to 56 tons per year on a 12-month rolling sum basis for all sources at this facility. The operation is subject to the requirements of 40 C.F.R. Part 63, Subpart T for halogenated solvent cleaning machines. The permit will include monitoring, record-keeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00002: E.I. DuPont de Nemours and Co. (192 Patterson Blvd, Towanda, PA 18848) on March 26, 2012, to issue a renewal of the Title V operating permit for their Towanda facility in North Towanda Township, **Bradford County**. The facility's sources include four (3) #6 fuel oil/natural gas-fired boilers, eight (8) surface coating operations, two (2) storage tanks, three (3) fire pumps, one (1) heat treat furnace and one (4) parts washer, which have the potential to emit major quantities of nitrogen oxides (NO_x), sulfur oxide (SO_x), volatile organic compounds (VOCs) and volatile hazardous air pollutants (VHAPs) emissions. The facility has the potential to emit carbon monoxide (CO) and particulate matter (PM/PM₁₀) below the major emission thresholds. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

42-00009: Pittsburgh Corning Corp.—Port Allegany Plant (701 N Main Street, Port Allegany, PA 16743-1029) on May 24, 2012, for Modification of a Title V Permit to operate architecture pressed and blown glass manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources included, 1) Melting Furnaces (Lines 1-4), 2) Melting Furnaces (Lines 5-8), 3) Glass Block Edge Coaters (2), 4) Glass Block Edge Coaters (5), 5) Distributors, Fore hearths, Presses / Sealers, 6) Glass Block Annealing Lehrs (1-8), 7) #2 Batch Mixer & Conveyor and, 8) Miscellaneous Natural Gas Usage. The modification permit included the conditions for NO_x emissions control from glass melting furnaces (25 PA Code § 129.300 to § 129.310), the milestones of SCR controls design and installation schedule and the Alternative Compliance Schedule for Source ID #201.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Thomas Huynh, Chief—Telephone: 215-685-9476

V11-014: Veolia Energy Philadelphia—Schuylkill Station (2600 Christian Street, Philadelphia, PA 19146) for the operation of a steam and electric generating facility in the City of Philadelphia, **Philadelphia**

County. The facility's air emission sources include two 795 MMBTU/hr #6 fuel oil-fired (#2 fuel oil ignition) boilers and a 761 MMBTU/hr natural gas or #6 fuel oil-fired boiler.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00129: Premier Woodcraft LTD (131 Birch Street, South Coatesville, PA 19320) on May 24, 2012, for renewal of a State Only Operating Permit for a manufacturer of wood partitions and fixtures in South Coatesville Borough, **Chester County**. The facility has taken restriction to remain a synthetic minor for VOC and HAP emissions. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

40-00066: Hazleton Casting Co (P. O. Box 21, Weatherly, PA 18255) on May 29, 2012, to operate a small foundry operation in the City of Hazleton, **Luzerne County**. The sources consist of shot blasting, grinding booth operation, (4) sand silos, cut off saws & grinding operation, casting shakeout & air arc booth, thermal reclaimer & kloster sand mixer, mechanical sand reclaimer, and pre-reclaimed silo. The sources are considered minor emission sources of nitrogen oxide (NO_x) and sulfur oxides (SO_x). This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

36-05119: Signature Custom Cabinetry, Inc. (434 Springville Road, Ephrata, PA 17522-9610) on May 23, 2012 for the wood cabinet manufacturing facility located in Ephrata Township, **Lancaster County**. The State-only permit was renewed.

36-03030: ICM PA, Inc. (330 Quarry Road, Leola, PA 17540-9733) on May 24, 2012, for the Talmage Quarry operations in Upper Leacock Township, **Lancaster County**. The State-only permit was renewed.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief - Telephone: 412-442-4174

11-00277: Northern Cambria School District (600 Joseph St., Northern Cambria, PA, 15714-1233) on May 22, 2012, Synthetic Minor Operating Permit renewal for the Northern Cambria Elementary & Middle Schools in Northern Cambria Boro, **Cambria County**. The permit is for the operation of one tri-fuel boiler equipped to burn

either coal or fuel oil, a fuel oil-fired boiler, and an emergency generator fired on fuel oil. The permit will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

30-00177: Coresco LLC (308 Dents Run Road, Morgantown, WV 26501) on May 22, 2012, a State Only Operating Permit (SOOP) to Dooley Run Terminal to authorize the operation of a coal transport facility located in Dunkard Township, **Greene County**.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act 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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00003: Phillips 66 Co. (4101 Post Road, Trainer, PA 19061) on May 23, 2012, issued a revised Title V Operating Permit for a change of ownership of the Trainer Refinery from ConocoPhillips Company to Phillips 66 Company. This facility is located in Trainer Borough, **Delaware County**. This revised operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or Daniel Husted, New Source Review Chief—Telephone: 717-705-4863

67-05069: Pennsy Supply, Inc. (550 South Biesecker Road, Thomasville, PA 17364) on May 24, 2012, for the Thomasville quarry operations in Jackson Township, **York County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 67-05069H.

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; 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—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56071301 and NPDES No. PA0235814, RoxCOAL, Inc., (P. O. Box 149, Friedens, PA 15541), to revise the permit for the Horning Deep Mine in Stonycreek Township, **Somerset County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 76.3, Subsidence Control Plan Acres Proposed 1680.0. No additional discharges. The application was considered administratively complete on March 9, 2010. Application received February 23, 2010. Permit issued May 18, 2012.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

32030110, Fossil Fuel, Inc., 690 Weaver Road, Marion Center, PA 15759, revision of an existing bituminous surface and auger mine to change land use from forestland to unmanaged natural habitat in East Mahoning and Grant Townships, **Indiana County**, affecting 43.0 acres. Receiving stream(s): UTS to Crooked Run to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 27, 2012. Permit issued: May 14, 2012.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03090101 and NPDES Permit No. PA0251577. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer permit from Tri-R, Inc. for operation and reclamation issued to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank and Redbank Creek. Application received: September 28, 2011. Permit issued: May 24, 2012.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33070101. P. and N. Coal Company, Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Oliver Township, **Jefferson County** affecting 53.6 acres. Receiving streams: Unnamed tributary to Hadden Run and Little Elk Run. This renewal is issued for reclamation only. Application received: February 21, 2012. Permit Issued: May 21, 2012.

61110102 and NPDES Permit No. PA0259187. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine in Clinton Township, **Venango County** affecting 35.2 acres. Receiving streams: Unnamed tributary to Scrubgrass Creek. Application received: September 23, 2011. Permit Issued: May 21, 2012.

11536-24990101-E-1. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary No. 5 to Mead Run in Horton Township, **Elk County**. Receiving streams: Unnamed tributary to Mead Run and Mead Run, unnamed tributary to Little Toby Creek. Application received: March 5, 2012. Permit Issued: May 22, 2012.

11536-24960101-E-1. AMFIRE Mining Company, LLC (One Energy Place, Suite 2800, Latrobe, PA 15650) Application for a stream encroachment to conduct mining activities within 100 feet of unnamed tributary "D" to Mead Run in Horton Township, **Elk County**. Receiving streams: Unnamed tributary to Mead Run. Application received: March 5, 2012. Permit Issued: May 22, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17110109 and NPDES No. PA0257818. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866). Commencement, operation, and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 85.7 acres. Receiving stream: unnamed tributary to Hawk Run classified for cold water fishery. The first downstream potable water supply intake from the point of discharge is greater than 10 miles downstream. Application received: August 22, 2011. Application issued: May 14, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

49910202R3. Split Vein Coal Co., Inc., (RR 1 Drawer 2, Paxinos, PA 17860), renewal for reclamation activities only for an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream: Shamokin Creek. Application received: April 24, 2006. Renewal issued: May 18, 2012.

49910202R4. Split Vein Coal Co., Inc., (RR 1 Drawer 2, Paxinos, PA 17860), renewal for reclamation activities only for an anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 191.0 acres, receiving stream: Shamokin Creek. Application received: September 20, 2011. Renewal issued: May 18, 2012.

49910202GP104. Split Vein Coal Co., Inc., (RR 1 Drawer 2, Paxinos, PA 17860), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49910202 in Coal Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: February 14, 2012. Permit issued: May 18, 2012.

40930102R3. Glenn O. Hawbaker, Inc., (1952 Waddle Road, State College, PA 16803), renewal of an existing anthracite surface mine, coal refuse disposal and preparation plant operation for coal and industrial minerals in Hazle and Butler Townships, **Luzerne County** affecting 688.0 acres, receiving stream: Little Nescopeck Creek. Application received: September 22, 2008. Renewal issued: May 21, 2012.

40930102T3. Glenn O. Hawbaker, Inc., (1952 Waddle Road, State College, PA 16803), transfer of an existing anthracite surface mine, coal refuse disposal and preparation plant operation for coal and industrial minerals in Hazle and Butler Townships, **Luzerne County** affecting 688.0 acres, receiving stream: Little Nescopeck Creek. Application received: November 2, 2010. Transfer issued: May 21, 2012.

40930102GP104. Glenn O. Hawbaker, Inc., (1952 Waddle Road, State College, PA 16803), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40930102 in Hazle and Butler Townships, **Luzerne County**, receiving stream: Little Nescopeck Creek. Application received: January 21, 2011. Permit issued: May 21, 2012.

35840203GP104. CSY, Inc., (400 Mill Street, Dumore, PA 18512), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35840203 in the City of Scranton and Dunmore Borough, **Lackawanna County**, receiving stream: Lackawanna River. Application received: March 4, 2011. Permit issued: May 24, 2012.

54121107GP104. Michael Coal Company, (PO Box 8, Williamstown, PA 17089), General NPDES Permit for stormwater discharges associated with mining activities on Exploration No. 54121107 in Frailey Township, **Schuylkill County**, receiving stream: Good Spring Creek and Coal Run to Swatara Creek. Application received: March 20, 2012. Permit issued: May 24, 2012.

Noncoal Permits Actions

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

62110801. John Allen Excavating, Inc. (288 Dobson Road, Sugar Grove, PA 16350) Commencement, operation and restoration of a small industrial minerals mine in Sugar Grove Township, **Warren County** affecting 5.0 acres. Receiving streams: Jackson Run. Application received: October 28, 2011. Permit Issued: May 11, 2012.

62110801-GP-104. John Allen Excavating, Inc. (288 Dobson Road, Sugar Grove, PA 16350) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 62110801 in Sugar Grove Township, **Warren County**. Application received: October 28, 2011. Permit Issued: May 11, 2012.

37020307 and NPDES Permit No. PA0242276. Amerikohl Aggregates, Inc. (202 Sunset Drive, Butler, PA 16001), Transfer of an existing large industrial minerals surface mine from Amerikohl Mining, Inc. in Wayne Township, **Lawrence County** affecting 231.9 acres. Receiving streams: Unnamed tributary to the Beaver River and unnamed tributary to Snake Run. Application received: October 18, 2011. Permit Issued: May 17, 2012.

10010306. Three Rivers Aggregates, LLC (225 North Shore Drive, Pittsburgh, PA 15212) Renewal of existing NPDES Permit No. PA0241903 in Worth Township, **Butler County**. Receiving streams: Unnamed tributary to Slippery Rock Creek and Slippery Rock Creek. Application received: February 24, 2012. Permit Issued: May 22, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08100302 and NPDES No. PA0257389. Johnson Quarries, Inc. (P. O. Box 136, Orange St., LeRaysville, PA 18829). Commencement, operation and restoration of an overburden, shale, bluestone quarry located in Stevens Township, **Bradford County** affecting 127.9 acres. Receiving streams: unnamed tributary to Wyalusing Creek (Warm Water Fishery) and Rockwell Creek (Warm Water Fishery). Both flow to Wyalusing Creek (Warm Water Fishery) to the Susquehanna River (Warm Water Fishery). There are no potable water supply intakes within 10 miles downstream. Application received: June 28, 2010. Application issued: May 14, 2012.

6076SM3 and NPDES PA0069744. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034). Renewal of a NPDES Permit for discharges of a treated mine drainage from a quarry operation in Union Township, **Union County**. Receiving streams: Winfield Creek and Unnamed Tributary to Winfield Creek classified for Warm Water Fishery. Application received: February 21, 2012. Application issued: May 16, 2012.

60840401, 60000301, and NPDES No. PA0614181. Eastern Industries, Inc. (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034). Renewal of the NPDES Permit for noncoal surface mines located in Buffalo Township, **Union County** affecting 218.7 acres. Receiving stream: Buffalo Creek classified for trout

stocked fishery and migratory fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 16, 2012. Application issued May 16, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

7775SM10C6 and NPDES Permit No. PA0011789. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maiden Creek Township, **Berks County**, receiving stream: Maiden Creek. Application received: December 16, 2011. Renewal issued: May 23, 2012.

49110801. J-Mar Construction, Inc., (372 Forestview Drive, Sunbury, PA 17801), commencement, operation and restoration of a quarry operation in Lower Augusta Township, **Northumberland County** affecting 1.0 acre, receiving stream: Unnamed tributary to Susquehanna River. Application received: August 2, 2011. Permit issued: May 23, 2012.

49110801GP104. J-Mar Construction, Inc., (372 Forestview Drive, Sunbury, PA 17801), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49110801 in Lower Augusta Township, **Northumberland County**, receiving stream: Unnamed tributary to Susquehanna River. Application received: August 2, 2011. Permit issued: May 23, 2012.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. 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

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

24124004. Tidelands Geophysical Co., Inc. (101 East Park Boulevard, Suite 955, Plano, TX 75074). Blasting activity permit for seismic exploration in Benezette, Fox, Horton, Jay, Ridgway, and Snyder Townships and City of St. Marys, Elk and **Jefferson Counties**. This blasting activity permit will expire on December 31, 2012. Permit Issued: May 17, 2012.

42124004. Howard Drilling, Inc. (11 Bridge Street, Mt. Jewett, PA 16740). Blasting activity permit for well exploration in Wetmore Township, **McKean County**. This blasting activity permit will expire on July 1, 2012. Permit Issued: May 17, 2012.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17124002. Tidelands Geophysical Inc. (101 East Park Blvd., Suite 955, Plano, TX 75074). Blasting for 3-D Seismic Survey located in Sandy, Huston, Union, Pine, Lawrence Townships; **Clearfield County**. Permit issued: May 16, 2012. Permit expires: December 31, 2012.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

36124124. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Home

Towne Square in Clay Township, **Lancaster County** with an expiration date of June 30, 2013. Permit issued: May 16, 2012.

52124103. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for a single dwelling in Palmyra Township, **Pike County** with an expiration date of May 9, 2013. Permit issued: May 16, 2012.

40124112. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting at the Wilkes-Barre Scranton International Airport in Pittston Township, **Luzerne County** with an expiration date of May 14, 2013. Permit issued: May 17, 2012.

39124102. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Parkland Field in Upper Macungie Township, **Lehigh County** with an expiration date of May 7, 2013. Permit issued: May 18, 2012.

48124101. Brubacher Excavating, Inc., (PO Box 528, Bowmansville, PA 17507), construction blasting for Majestic Industrial Park in the City of Bethlehem, **Northampton County** with an expiration date of May 31, 2013. Permit issued: May 18, 2012.

39124103. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Cedar Hill Cemetery in Hanover Township, **Lehigh County** with an expiration date of May 31, 2013. Permit issued: May 21, 2012.

40124113. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Fairmount Township Shale Pit in Fairmount Township, **Luzerne County** with an expiration date of May 31, 2012. Permit issued: May 21, 2012.

58124140. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Range Unit Pad 38 in New Milford Township, **Susquehanna County** with an expiration date of May 14, 2013. Permit issued: May 21, 2012.

58124141. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Burts Gas Pipeline Project in Forest Lake Township, **Susquehanna County** with an expiration date of May 16, 2013. Permit issued: May 21, 2012.

58124142. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Round Top Pipeline in Auburn Township, **Susquehanna County** with an expiration date of May 16, 2013. Permit issued: May 21, 2012.

58124146. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Southwest Range 10 Pad in New Milford Township, **Susquehanna County** with an expiration date of July 30, 2012. Permit issued: May 21, 2012.

66124108. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Mehoopany Wind Farm in Mehoopany, Forkston and Noxen Townships, **Wyoming County** with an expiration date of May 11, 2013. Permit issued: May 21, 2012.

58124012. John Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Range Unit 28 Gas Pad in New Milford Township, **Susquehanna County** with an expiration date of December 31, 2012. Permit issued: May 23, 2012.

36124125. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for

Penns Crossings in Manheim Township, **Lancaster County** with an expiration date of May 17, 2013. Permit issued: May 24, 2012.

58124139. Doug Wathen, LLC, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for P Waldenberger Gas Pad in Dimock Township, **Susquehanna County** with an expiration date of May 11, 2013. Permit issued: May 24, 2012.

58124143. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Vandermark Pipeline in Bridgewater and Dimock Townships, **Susquehanna County** with an expiration date of May 16, 2013. Permit issued: May 24, 2012.

58124144. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Zaveton Pipeline in Bridgewater Township, **Susquehanna County** with an expiration date of May 16, 2013. Permit issued: May 24, 2012.

58124145. Maine Drilling & Blasting, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Central HP Pipeline in Bridgewater, Dimock and Springville Townships, **Susquehanna County** with an expiration date of May 16, 2013. Permit issued: May 24, 2012.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The 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 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 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 and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, Telephone 570-826-2511.

E64-291. Dreher Township, P. O. Box 177, Newfoundland, PA 18832. Dreher Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 74-foot by 22-foot building containing a patio area, concession stand, storage room, and restroom facilities in the floodway fringe of Wallenpaupack Creek (HQ-CWF). The project is located in the Carlton Memorial Park on the west side of S.R. 0507 approximately 0.15 mile north of its intersection with S.R. 0447 (Newfoundland, PA Quadrangle Latitude: 41°18'34.44"; Longitude: -75°19'0.88"). Subbasin: 1C

E52-229. PPL Holtwood, LLC, P. O. Box 122, Hawley, PA 18428. Palmyra Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To place and maintain fill, supported by a concrete block retaining wall, in 0.04 acre of Lake Wallenpaupack for the purpose of constructing handicap-accessible parking and fishing access and to construct and maintain two 10-foot diameter riprap fish habitat structures in Lake Wallenpaupack. The project is located at Ironwood Point at the end of Burns Hill Road approximately 0.6 mile north of its intersection with SR 0507 (Newfoundland, PA Quadrangle Latitude: 41°22'13.5"; Longitude: -75°16'39.2"). Subbasin: 1B

E45-569. RPM Realty Company, 410 Analomink Road, East Stroudsburg, PA 18301. Hamilton Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a commercial development known as RPM Auto Park:

1. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 24-inch diameter pipe, concrete headwall, 7-ft long by 6-ft wide R-4 riprap plunge pool, and a 6-foot wide by 135-foot long R-4 riprap level spreader with a concrete weir.

2. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 36-inch diameter pipe, concrete headwall and a 31-foot long by 29-ft wide R-4 riprap apron.

3. To construct and maintain a sanitary sewer line crossing of a tributary to McMichael Creek (EV, MF) consisting of two 8-inch diameter concrete encased pipes.

4. To remove the existing structure and to construct and maintain a road crossing of a tributary to McMichael Creek (EV, MF) consisting of an open-bottom concrete arch culvert having a 14-foot span, 6-foot underclearance, concrete footers, and imbedded R-6 riprap covered with 12-inches of native stream bed material. Three utility line

crossings of the stream, including a water main, a sanitary force main and an electrical duct, will be constructed over the culvert.

5. To construct and maintain a stormwater outfall within the floodway of a tributary to McMichael Creek (EV, MF) consisting of a 48-inch diameter pipe, concrete headwall and a 30-foot long by 27-ft wide R-6 riprap apron.

The project is located immediately southwest of the intersection of Business Route 209 (SR 2012) and SR 0033 (Saylorsburg, PA Quadrangle Latitude: 40° 57' 34"; Longitude: -75° 17' 15") in Hamilton Township, Monroe County. Subbasin: 1E

E54-349. Michael A. Kroznuskie & Denise M. Kroznuskie, 114 Valley Street, New Philadelphia, PA 17959. Walker Township, **Schuylkill County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 14-foot wide driveway crossing of Cold Run (HQ-CWF, MF), consisting of a steel I-beam bridge having a 20-foot span and a 3-foot underclearance, and a crossing of approximately 105 feet of wetlands consisting of four 12-inch diameter culverts spaced approximately 20-feet apart, impacting a de minimus area of wetlands (EV) equal to 0.05 acre. The project is located on the south side of West Valley Road approximately 0.7 miles east of its intersection with SR 2003 (Mountain Road) (Orwigsburg, PA Quadrangle Latitude: 40°42'48"; Longitude: -76°3'6"). Subbasin: 3A

E58-294. Buckeye Partners, L.P., 5002 Buckeye Road, Emmaus, PA 18049. Lathrop Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To restore, stabilize and maintain a 90-foot reach of an UNT to Field Brook (CWF, MF) with the placement of articulating concrete revetment mats and five in-stream boulder structures creating a step-pool channel for the purpose of protecting an existing exposed 8-inch diameter petroleum pipeline. The project is located approximately 800 feet southwest of the intersection of SR 2002 and Polovitch Road (Hop Bottom, PA Quadrangle Latitude: 41°39'19.4"; Longitude: -75°49'58.7"). Subbasin: 4G

E40-724. Joe Thomas Construction, Inc., 57 North Mountain Boulevard, Mountain Top, PA 18707. Fairview Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Taylor Estates Residential Development Project:

1. A road crossing of 0.20 acre of PFO wetlands (EV) within the Big Wapwallopen Creek Watershed (HQ-CWF, MF) (Lat: 41° 09'32.5"; Long: -75°53'28.9").

2. A 325-foot long stream enclosure of an unnamed tributary to Big Wapwallopen Creek (HQ-CWF, MF) consisting of a 24-inch diameter smooth-lined corrugated polyethylene pipe, a concrete headwall, two manholes, and a riprap apron (Lat: 41°09'32.5"; Long: -75°53'28.9").

3. An 8-inch diameter sanitary sewer line crossing of approximately 35 feet of PFO wetlands (Lat: 41° 09'38.8"; Long: -75°53'32.6").

4. A 15-inch diameter smooth-lined corrugated polyethylene stormwater pipe crossing of approximately 25 feet of PFO wetlands (EV) (Lat: 41° 09'38.8"; Long: -75°53'32.6").

The permittee is required to provide for 0.20 acre of replacement wetlands by participating in the Pennsylvan-

nia Wetland Replacement Project. The project is located immediately north of the intersection of Woodland Avenue and Woodcrest Avenue (Wilkes-Barre West, PA Quadrangle Latitude: 41° 09' 33"; Longitude: -75° 53' 34") in Fairview Township, Luzerne County. Subbasin: 5B

E35-437. PPL Electric Utilities, Two North 9th Street, Allentown, PA 18101. Blakely Borough, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To fill 3.1 acres of isolated wetlands within the Hull Creek and Wildcat Creek Watersheds for the purpose of constructing the Lackawanna Substation Expansion Project. The permittee is required to provide 3.1 acres of replacement wetlands. The project is located on the north side of Rustic Lane approximately 1.0 mile southeast of its intersection with SR 1029 (Green Grove Road) (Olyphant, PA Quadrangle Latitude: 41°29'53"; Longitude: -75°36'40"). Subbasin: 5A

E58-293. Buckeye Pipeline Company, P. O. Box 90, Emmaus, PA 18049. Bridgewater Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To stabilize and maintain a 20-foot reach of a tributary to Meshoppen Creek (CWF, MF) with articulating concrete revetment mats for the purpose of protecting an existing exposed 16-inch diameter and 14-inch diameter petroleum pipeline. The project is located on the west side of SR 2051 (Peterson Road) approximately 0.3 mile north of its intersection with Johnson Road (Montrose West, PA Quadrangle Latitude: 41°47'19.8"; Longitude: 75°52'34.4"). Subbasin: 4G

E52-233. Semyon Burshteyn, 1845 52nd Street, Apt 27, Brooklyn, NY 11204. Delaware Township, **Pike County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-foot wide by 24-foot long floating dock in Sand Spring Lake and to construct and maintain a footpath across approximately 125 feet of PFO wetlands (EV) along the lake within the Little Bushkill Creek Watershed (HQ-CWF, MF) for the purpose of accessing the dock. The footpath will impact a de minimus area of wetlands equal to 0.02 acre. The project is located along Spring Road approximately 200 feet north of its intersection with Lilac Court on Lot 1, Block W-2206, Section 22 of the Wild Acres Subdivision (Lake Maskenozha, PA-NJ Quadrangle Latitude: 41°12'36.9"; Longitude: -74°58'01.7"). Subbasin: 1D

E40-400A. James L. Pugh, 272 Richard Street, Kingston, PA 18704-2721. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To Amend Permit No. E40-400 to authorize the construction and maintenance of an approximately 234 square foot dock addition with a boat slip.

Permit No. E40-400 authorized the construction and maintenance of a pile-supported private recreational dock/boathouse, having overall dimensions of 30 feet x 40 feet with a 4-foot wide walkway, located 10 feet off the shoreline of Harveys Lake. The permit was amended to authorize an addition of approximately 185 square feet of dock and elevated walkway area.

The project is located at Pole 155 near the intersection of S.R. 0415 and Park Road (Harveys Lake, PA Quadrangle Latitude: 41°22'22.9"; Longitude: -76°02'49.3") in Harveys Lake Borough, Luzerne County. Subbasin: 4G

E45-560. Christopher G. Peechatka, Marshall Squire Properties, 142 Route 611, Bartonsville, PA

18321, Pocono Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To place fill in 0.06 acre of "exceptional value" wetlands and 0.11 acre of "other" wetlands within the Pocono Creek Watershed (HQ-CWF) for the purpose of constructing the Cornerstone Phase 1 & 2 Commercial Development Project. The permittee is required to provide 0.32 acre of replacement wetlands. The project is located on the east side of SR 0611 approximately 1.8 miles northwest of its intersection with SR 0033 (Mount Pocono, PA Quadrangle Latitude: 41°1'1.5"; Longitude: -75°17'41"). Subbasin: 1E

E40-706. CAN DO, Inc., One South Church Street, Hazelton, PA 18201. Hazle Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To fill 1.36 acre of isolated PEM, PFO, and PSS wetland areas; and to construct and maintain a road crossing of Stony Creek (CWF) consisting of a 78-ft long, 4.5' X 9' reinforced concrete box culvert with the invert depressed 6-inches below streambed elevation. The permittee is required to provide 1.36 acre of replacement wetlands. The project is located on Lots 1, 2, 3, and 4 of Humboldt Industrial Park Northwest along the north side of S.R. 924 approximately 3 miles west of the intersection of S.R. 924 and I-81 (Conyngham, PA Quadrangle Latitude: 40° 56' 3.12"; Longitude: -76° 4' 0.12"). Subbasin: 5D

E13-168. Pennsylvania Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Nesquehoning Borough, **Carbon County**, Army Corps of Engineers Philadelphia District.

To construct and maintain an access road crossing of Jeans Run (HQ-CWF) consisting of a 14-foot wide steel I-beam and timber deck bridge having a 36-foot clear span and a 5-foot underclearance. The project is located in State Game Lands #141 approximately 1.9 miles north of the intersection of SR 93 and SR 209 (Weatherly, PA Quadrangle Latitude: 40°53'44"; Longitude: -75°47'0"). Subbasin: 2B

E40-715. TFP Limited, 1140 Route 315, Wilkes-Barre, PA 18711. Plains Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To place fill in 0.03 acre of wetlands and to relocate approximately 670 feet of a tributary to Mill Creek (CWF) with the construction and maintenance of a 620-foot long stream enclosure consisting of a 66-inch diameter aluminum steel pipe, five concrete junction boxes, concrete headwalls and concrete aprons. The activities are associated with the proposed Richland North Commercial Development. The project is located on the southeast side of S.R. 0315 approximately 0.1 mile southwest of its intersection with Jumper Road (Pittston, PA Quadrangle Latitude: 41°15'39"; Longitude: -75°49'5") in Plains Township, Luzerne County.

The permittee is required to provide mitigation of stream impacts by constructing and maintaining a stream restoration project along an 800-foot reach of a tributary to Drakes Creek consisting of raising the streambed elevation; installing four rock vanes; and stabilizing the stream banks with vegetation along an approximately 320-foot reach of the channel and removing fallen woody debris and stabilizing eroded stream banks with riprap along portions of a 480-foot reach of the channel. The stream restoration is located at 1045 Mountain Road (Kingston, PA Quadrangle Latitude: 41°15' 53"; Longitude: -75°58'53") in Jackson Township, Luzerne County. Subbasin: 5B

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E06-676: Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, Pennsylvania 18101, in Hereford Township, **Berks County**, ACOE Philadelphia District

To: 1) remove the existing structure and construct and maintain a single span composite steel plate girder bridge having a clear span of 97.83 feet, a width of 32.38 feet, and a minimum underclearance of 3.50 feet across Perkiomen Creek (TSF, MF), 2) remove the existing pipe culvert and install and maintain a 48.0-inch by 76.0-inch RCP culvert having a length of 38.00 feet in an unnamed tributary to Pachwechen Run (TSF, MF), and 3) construct and maintain two stormwater outfalls to the Perkiomen Creek (TSF, MF) at the proposed bridge location, all for the purpose of improving transportation safety and roadway standards. The project is located along SR 1022 (Tollgate Road) (East Greenville, PA Quadrangle; N: 9.2 inches, W: 7.4 inches; Latitude: 40°25'32", Longitude: -75°33'11") in Hereford Township, Berks County.

E07-441: Robert Franks, CSP Investments, Inc. (Sheetz, Inc.), 5700 Sixth Avenue, Altoona, Pennsylvania 16602, in Logan Township, **Blair County**, ACOE Baltimore District

To: 1) place 1,086.0-cubic yard of fill in the floodway; 2) install and maintain an 8.0-inch stormwater outfall structure with an R-5 riprap apron; 3) install and maintain an 8.0-inch stormwater outfall structure with an R-4 riprap apron; 4) install and maintain a 15.0-inch stormwater outfall structure with an R-5 riprap apron; and 5) install and maintain a 15.0-inch stormwater outfall structure within a stream enclosure discharging to an unnamed tributary to Sandy Run (CWF, MF) (Bellwood, PA Quadrangle; N: 7.37 inches, W: 14.5 inches; Latitude: 40°32'26.1", Longitude: -78°21'15.7") in Logan Township, Blair County.

E38-166: Louie Hurst, Cornwall Associates, LP, 530 West Trout Road, Ephrata, Pennsylvania 17522, in Cornwall Borough and West Cornwall Township, **Lebanon County**, ACOE Baltimore District

to remove existing structures and construct and maintain: 1) a log vane structure upstream of and downstream of a 70.0-foot long, 1.0-foot depressed, 5.0-foot x 8.0-foot concrete box culvert with fish baffles and a depressed riprap apron extending 40.0 feet downstream, an 8.0-inch, concrete encased waterline, an 8.0-inch, concrete encased sanitary sewer line, an 18.0-inch stormwater line in and across, and two 18.0-inch stormwater outfalls along an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF); 2) a log cross vane structure upstream of and downstream of a 90.0-foot long, 6.0-inch depressed, 27.0-inch x 42.0-inch reinforced concrete pipe with depressed riprap aprons extending 25.0 feet upstream and 16.0 feet downstream, an 8.0-inch waterline, an 8.0-inch, concrete encased sewer line, and a 24.0-inch stormwater line in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF); 3) an 8.0-inch, concrete encased waterline in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF); and 4) a 93.0-foot long, 6.0-inch depressed, 30.0-inch reinforced concrete pipe with a depressed riprap apron extending 16.0 feet downstream, an 8.0-inch waterline in and across an unnamed tributary to Snitz Creek and its associated wetlands (TSF, MF), all for the purpose of constructing a residential community. The

project is located south of the intersection of Alden Lane and Route 419 (Lebanon, PA Quadrangle; N: 4.1 inches, W: 8.2 inches; Latitude: 40°16'22", Longitude: -76°25'59") in Cornwall Borough and West Cornwall Township, Lebanon County. To compensate for wetland impacts, the Permittee is required to provide a minimum of 1.3 acres of PEM/PSS/PFO replacement wetlands onsite.

E38-168: Pennsy Supply, Inc., One Clear Spring Road, Annville, Pennsylvania 17003, in Jackson Township, **Lebanon County**, ACOE Philadelphia District

To relocate and maintain 1,500.0 feet of the Tulpehocken Creek (CWF), including the installation and maintenance of 1,500.0 linear feet of a 42.0-foot wide PVC liner, a 20.0-foot long by 3.5-foot high concrete weir, nine rock arch structures, a temporary riprap ford crossing and the removal of an existing structure, and construction and maintenance of a 1.0-foot depressed, 15.0-foot wide by 5.0-foot high concrete box culvert, all for the purpose of preventing loss of streamflow through sinkhole-prone areas and stream restoration. The project is located off of State Route 422 (Richland, PA Quadrangle; N: 20.9 inches, W: 12.8 inches; Latitude: 40°21'53.1", Longitude: -76°20'25") in Jackson Township, Lebanon County.

E67-888: The Pennsylvania Turnpike Commission, 700 South Eisenhower Boulevard, Middletown, Pennsylvania 17057-5529, in Fairview Township, **York County**, ACOE Baltimore District

To: 1) relocate and maintain 35.0 feet of an unnamed tributary to Marsh Run (WWF), and 2) construct and maintain an R-4 riprap lined overflow swale in the floodway of Marsh Run (WWF), for the purpose of improving transportation safety and roadway standards. The project is located along Marsh Run Road southeast of its intersection of Mifflin Avenue (Steelton, PA Quadrangle; N: 13.0 inches, W: 10.0 inches; Latitude: 40°11'49", Longitude: -76°49'23") in Fairview Township, York County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E08-479. Wysox Creek Watershed Association, 628 Westbrook Road, Rome, PA 18837-8013. Water Obstruction and Encroachment Joint Permit, in Orwell and Rome Townships, **Bradford County**, ACOE Susquehanna River Basin District (Rome, PA Quadrangle N: 41° 50' 32.4"; W: 76° 18' 31.7").

To construct and maintain 4900 feet of stream bank stabilization along the banks of Johnson Creek. This project proposes to permanently impact 4900 linear feet of Johnson Creek, which is designated a Cold Water Fishery stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E18-472. Levi J. Esh, 16 Wanner Lane, Mill Hall, PA 17751-9109. Duck Run Farm fence in Lamar Township, **Clinton County**, ACOE Baltimore district (Mill Hall, PA Quadrangle 41° 03' 26.6" N; -77° 28' 17.7" W).

To construct and maintain a 42-inch tall by 200-foot long vinyl fence on top of existing landscape block stream bank wall in the left 100-year floodway of Duck Run located between the Duck Run Road bridge and an existing chain link fence that runs perpendicular to the stream. This permit was issued under section 105.13(e) "Small Projects."

E18-474. Joseph C. Tarantella, 100 Pickwick Street, Mill Hall, PA 17751, in Mill Hall Borough, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41°06'36" N; -77°28'59.00"W).

To construct and maintain a 150-foot long by 4-foot high chain link fence in his grass yard in the right 100-year floodway of Fishing Creek located 350' southwest of the intersection of Agnew Street and Pickwick Street (Mill Hall, PA Quadrangle, 41° 06' 36.10" N; -77° 28' 59.00" W) in Mill Hall Borough, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

E19-288. Richard Karelitz, 2819 Frontier Trail, Atlanta, GA 30341. Karelitz Cottage, in Orange Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41-5-52.2; Longitude: 76-22-35.5).

This permit authorizes the construction, operation and maintenance of 15 concrete piers to support the raising of a cottage structure on the existing footprint in the floodplain of Fishing Creek, which carries a water quality designation of Trout Stocked Fishery. The structures first floor elevating shall be a minimum of 18 inches above elevation of 607.6 feet. The cottage is 22 feet wide and 32 feet long. An additional 5 piers will be placed in the front of the structure to facilitate the placement of a deck 18 inches above base 100 yr flood elevations. This property is located on SR 487 north above Orangeville, rt onto Roberts Grove road, travel to cottage number 514. This permit was issued under Section 105.13(e) "Small Projects."

E19-291. John E. Steiner, 3051 State Route 890, Sunbury, PA 17801. Steiner Cottage Raising, in Fishing Creek Township, **Columbia County**, ACOE Baltimore District (Mifflinville, PA Quadrangle, Latitude: 41-6-17.6; Longitude: 76-21-43).

To construct, operate and maintain 6 concrete piers to support the raising of a cottage structure on the existing footprint in the floodplain of Fishing Creek, which carries a water quality designation of Trout Stocked Fishery. The structures first floor elevating shall be a minimum of 18 inches above elevation of 623.7 feet. The cottage is 20 feet wide and 46 feet long. An additional 2 piers will be placed in the front of the structure to facilitate the placement of a deck 18 inches above base 100 yr flood elevations. This property is located 3 miles north of Orangeville on SR 487 at property address 2918. This permit was issued under Section 105.13(e) "Small Projects."

E41-623. PA Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. Water Obstruction and Encroachment Joint Permit, in Brown Township, **Lycoming County**, ACOE Susquehanna River Basin District (Cedar Run, PA Quadrangle N: 41.519888; W: 77.398080).

To construct and maintain a 48-foot by 14-foot bridge on a skew of 90° over Browns Fork located off SR 0414. This project proposes to permanently impact 48 linear feet of Browns Fork, which is designated a High Quality-Cold Water Fishery stream and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

E41-625. John E. Blair, 574 Lower Barbours Road, Williamsport, PA 17701. Small Projects Water Obstruction and Encroachment Joint Permit, in Plunketts Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Barbours, PA Quadrangle N: 41° 23' 25"; W: -76° 48' 10").

To construct and maintain an existing residential structure measuring 35' by 46'. The existing structure and improvements are to be elevated above the 100-year flood elevation. The proposed improvements are located within the floodway of Loyalsock Creek at 529 Lower Barbours Road, in Plunketts Creek Township, Lycoming County. This project does not propose to impact any wetlands. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1657. Motiva Enterprises, LLC, 4094 Majestic Lane PMB224, Fairfax, VA 22033, Moon Township, **Allegheny County**; ACOE Pittsburgh District.

Has been given consent to construct and maintain a 160.0 foot long recovery trench on the right bank of Thorn Run (WWF), a 140.0 foot long recovery trench on the left bank of said stream, 135.0 linear feet of geo-synthetic clay liner on the right bank, and 25.0 linear feet of geo-synthetic clay liner on the left bank of said stream located at manhole 12 area, to construct and maintain two (2) 4-inch diameter monitoring wells on the right bank of Thorn Run (WWF), to place and maintain soil cement mix approximately 1.0 foot deep in the channel of said stream and to construct and maintain approximately 100.0 linear feet of geo-synthetic clay liner on the right bank of said stream located at outfall 2 area and to construct and maintain a sheet pile wall approximately 215.0 feet in length and 132.0 feet of rip-rap in the channel and along the left bank of the Ohio River (WWF) for the purpose of preventing sheens in Thorn Run and the Ohio River. The project is located approximately 4,500.0 feet upstream from the Sewickley Bridge (Ambridge, PA Quadrangle N: 4.5 inches; W: 7.0 inches; Latitude: 40° 31' 30"; Longitude: 80° 10' 34") in Moon Township, Allegheny County. The project will impact approximately 582 linear feet of stream channel (permanent) and 235 linear feet of stream channel (temporary).

E11-344. Patton Borough, P. O. Box 175, Suite 221, Patton, PA 16668, Borough of Patton, **Cambria County**; ACOE Baltimore District.

Has been given consent to construct and maintain Phase III of the stream channel improvement project for the purpose of improving fish habitat, reducing sedimentation, and reducing stream bank erosion, by constructing instream habitat structures and removing gravel bars in Chest Creek (CWF). The project includes construction of five (5) log faced stone deflectors, ten (10) log deflectors, two (2) stone deflectors and eight (8) modified mud sills. The project begins approximately 2100 feet downstream of S.R. 36 bridge and extends downstream for approximately 4,000 linear feet within the limits of an existing flood control project in Borough of Patton, Elder and Chest Townships, Cambria County (Hastings, PA Quadrangle N: 2.35 inches; W: 2.0 inches; and Latitude: 40°38'17" ; Longitude: 78°38'22").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-035: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Canton and Leroy Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area:

3,069 square feet (Dushore, PA Quadrangle, Latitude: 41°35'05", Longitude: -76°23'24"),

2. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 1,207 square feet (Dushore, PA Quadrangle, Latitude: 41°35'10", Longitude: -76°23'28"),

3. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 656 square feet (Dushore, PA Quadrangle, Latitude: 41°35'10", Longitude: -76°23'33"),

4. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) and adjacent Palustrine Emergent Wetland impacting 1,997 square feet (Dushore, PA Quadrangle, Latitude: 41°34'29", Longitude: -76°24'50"),

5. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 20,746 square feet (Dushore, PA Quadrangle, Latitude: 41°34'27", Longitude: -76°24'49"),

6. a 12 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of South Branch Towanda Creek (CWF, MF) (Dushore, PA Quadrangle, Latitude: 41°34'09", Longitude: -76°24'51"),

7. a 12 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland. Impacted Area: 523 square feet (Dushore, PA Quadrangle, Latitude: 41°34'07", Longitude: -76°24'52"),

8. a 12 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 720 square feet (Dushore, PA Quadrangle, Latitude: 41°34'04", Longitude: -76°24'52"),

9. a 6 inch diameter natural gas line and a timber mat bridge impacting 88 linear feet of an unnamed tributary to South Branch Towanda Creek (CWF, MF) (Dushore, PA Quadrangle, Latitude: 41°33'56", Longitude: -76°24'58"),

10. a 6 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 720 square feet (Dushore, PA Quadrangle, Latitude: 41°34'04", Longitude: -76°24'52"),

11. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Quadrangle, Latitude: 41°33'47", Longitude: -76°25'49"),

12. a 6 inch natural gas line and a timber mat bridge across a Palustrine Forested Wetland (EV). Impacted Area: 494 square feet (Dushore, PA Quadrangle, Latitude: 41°33'48", Longitude: -76°25'53"),

13. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Quadrangle, Latitude: 41°33'47", Longitude: -76°26'01"),

14. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Quadrangle, Latitude: 41°33'46", Longitude: -76°26'01"),

15. a 6 inch diameter natural gas line and a timber mat bridge impacting 40 linear feet of an unnamed tributary to Lick Creek (EV, MF) (Dushore, PA Quadrangle, Latitude: 41°33'36", Longitude: -76°26'12"),

16. a 6 inch natural gas line and a timber mat bridge across a Palustrine Emergent Wetland (EV). Impacted

Area: 791 square feet (Dushore, PA Quadrangle, Latitude: 41°33'36", Longitude: -76°26'14"),

The project will result in 368 linear feet or 8,509 square feet of temporary stream impacts, 32,805 square feet (0.75 acre) of PEM, and PFO temporary wetland impacts and 494 square feet (0.01 acre) of PFO permanent wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E5829-015: Appalachia Midstream Services, LLC, 100 1st Center, Horseheads, NY 14845, Rush Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Wyalusing Creek (WWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -76° 05' 34");

2) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 219 linear feet of an unnamed tributary to Wyalusing Creek (WWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 04", Longitude: -76° 05' 23");

3) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 255 linear feet of Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 45' 59", Longitude: -76° 03' 14");

4) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 06", Longitude: -76° 04' 06");

5) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 04");

6) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 04");

7) a 12 inch diameter gas gathering line impacting 1 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 02");

8) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 218 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 10", Longitude: -76° 04' 17");

9) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 230 linear feet of an unnamed tributary to Deer Lick Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 46' 10", Longitude: -76° 04' 17");

10) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 872 square feet of Palustrine Scrub Shrub (PSS) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 46' 01", Longitude: -76° 04' 48");

11) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 7,167 square feet of Palustrine Emergent (PEM), Palustrine Scrub Shrub (PSS), and Palustrine Forested (PFO) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 45' 58", Longitude: -76° 03' 12");

12) a 12 inch diameter gas gathering line and temporary bridge crossing impacting 5,298 square feet of

Palustrine Emergent (PEM) Wetlands (Lawton, PA Quadrangle; Latitude: 41° 46' 05", Longitude: -76° 04' 37").

The project will result in 963 linear feet of temporary stream impacts and 13,337 square feet of temporary wetland impacts, all for the purpose of constructing the natural gas gathering line and associated access roads for Marcellus Shale well development.

E5729-021: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Elkland and Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a 16 inch diameter gathering line impacting 458 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°32'39"N, 76°31'47"W);

(2) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 178 linear feet of an unnamed tributary to Big Bottom Run (EV) (Overton, PA Quadrangle 41°32'19 "N, 76°32'42"W);

(3) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 3,277 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°32'18"N, 76° 32' 50"W);

(4) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 1,614 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°32'18"N, 76°33'21"W);

(5) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 178 linear feet of an unnamed tributary to Lick Creek (EV) (Overton, PA Quadrangle 41°32'18"N, 76°33'22"W);

(6) a 16 inch diameter gathering line impacting 50 linear feet of Lick Creek (EV) (Overton, PA Quadrangle 41°32'28"N, 76°33'46"W);

(7) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 4,569 square feet of a palustrine emergent (PEM) wetland (Overton, PA Quadrangle 41°32'32"N, 76°33'59"W);

(8) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 201 linear feet of an unnamed tributary to Lick Creek (EV) (Overton, PA Quadrangle 41°32'37"N, 76°34'08"W);

(9) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 32,463 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Overton, PA Quadrangle 41°32'38"N, 76°34'16"W);

(10) a 16 inch diameter gathering line impacting 29 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°32'41"N, 76°35'01"W);

(11) a 16 inch diameter gathering line impacting 35 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°32'41"N, 76°35'01"W);

(12) a temporary access road impacting 218 square feet of a palustrine scrub shrub (PSS) wetland (Overton, PA Quadrangle 41°32'47" N, 76°35'28"W);

(13) a 16 inch diameter gathering line impacting 42 linear feet of Mill Creek (EV) (Overton, PA Quadrangle 41°32'37"N, 76°35'23"W);

(14) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 204 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°32'35"N, 76°35'31"W);

(15) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 202 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°32'35"N, 76°35'42"W);

(16) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Mill Creek (EV) (Overton Quadrangle 41°32'26"N, 76°36'47"W);

(17) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 5,553 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°32'25"N, 76°36'53"W);

(18) a temporary road crossing using a wood mat bridge and a 16.0-inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Kings Creek (EV) (Overton, PA Quadrangle 41°32'35" N, 76°37'18"W);

(19) a temporary road crossing using three 60 inch diameter and one 72 inch diameter corrugated metal culverts and a 16 inch diameter gathering line impacting 292 linear feet of Kings Creek (EV) (Overton, PA Quadrangle 41°32'35"N, 76°37'20"W);

(20) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 123 linear feet of an unnamed tributary of Elk Creek (EV) (Shunk, PA Quadrangle 41°32'42"N, 76°38'11"W);

(21) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 246 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 26,684 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle GPS 41°32'33"N, 76°38'37"W);

(22) a temporary road crossing using a wood mat bridge and a temporary access road impacting 712 square feet of a palustrine emergent (PEM) wetland (Shunk, PA Quadrangle 41°32'25"N, 76°38'46"W);

(23) a 16 inch diameter gathering line impacting 12 linear feet of an unnamed tributary of Elk Creek (EV) (Shunk, PA Quadrangle 41°32'23"N, 76°38'49"W);

(24) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 90 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°32'24"N, 76°38'50"W);

(25) a temporary access road impacting 34 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°32'50"N, 76°35'39"W);

(26) a 12 inch diameter gathering line impacting 146 linear feet of an unnamed tributary to Blackwater Run (EV) (Shunk, PA Quadrangle 41°30'50"N, 76°36'27"W);

(27) a 12 inch diameter gathering line impacting 228 square feet of a palustrine forested (PFO) wetland (Shunk, PA Quadrangle 41°30'59"N, 76°36'20"W);

(28) a temporary road crossing using a wood mat bridge and a temporary road crossing using a wood mat bridge and a 12 inch diameter gathering line impacting 5,439 square feet of a palustrine scrub shrub (PSS) wetland (Shunk, PA Quadrangle 41°31'09"N, 76°36'11"W);

(29) a temporary road crossing using a wood mat bridge and a temporary road crossing using a wood mat bridge and a 12 inch diameter gathering line impacting 193 linear feet of Blackwater Run (EV) (Shunk, PA Quadrangle 41°31'20"N, 76°36'20"W);

(30) a temporary road crossing using a wood mat bridge and a 12 inch diameter gathering line impacting 123 linear feet of an unnamed tributary to Blackwater Run (EV) (Shunk, PA Quadrangle 41°31'35" N, 76°36'20"W);

(31) a temporary road crossing using a wood mat bridge and a 12 inch diameter gathering line impacting 191 linear feet of an unnamed tributary to Blackwater Run (EV) (Shunk, PA Quadrangle 41°31'40"N, 76°36'13"W);

(32) a permanent access road using a 30 inch diameter corrugated metal culvert impacting 66 linear feet of an unnamed tributary to Blackwater Run (EV) (Shunk, PA Quadrangle 41°30'06"N, 76°37'05"W);

(33) a temporary road crossing using a wood mat bridge and 12 inch diameter gathering line impacting 4,493 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Shunk Quadrangle 41°30'59"N, 76°36'20"W).

The resulting stream impacts are 2,383 linear feet of temporary impacts and 66 linear feet of permanent impacts. The resulting wetland impacts are 84,573 square feet (1.94 acre) of temporary impacts and 204 square feet of permanent impacts for the purpose of installing a gathering line for Marcellus well development in Elkland and Forks Township, Sullivan County. The permittee will provide 0.38 acre of compensatory mitigation at the Wilnot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) and along the right of way near impact 14 (Overton, PA Quadrangle 41°32'35"N, 76°35'31"W), impact 15 (Overton, PA Quadrangle 41°32'35"N, 76°35'42"W), impact 29 (Shunk, PA Quadrangle 41°31'20"N, 76°36'20"W), and impact 19 (Overton, PA Quadrangle 41°32'35"N, 76°37'20"W).

E5929-029: EQT Gathering, LLC, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222, Duncan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16 inch diameter natural gas gathering line and temporary timber matting impacting 213 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°38'51"N 77°16'19"W);

2) a 16 inch diameter natural gas gathering line impacting 40 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°38'51"N 77°16'22"W);

3) a 16 inch diameter natural gas gathering line impacting 610 square feet of an exceptional value palustrine emergent/ scrub shrub/ forested/ unconsolidated bottom (EV-PEM/PSS/PFO/PUB) wetland (Antrim, PA Quadrangle 41°38'51"N 77°16'12"W);

4) a 16 inch diameter natural gas gathering line impacting 55 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°38'51"N 77°16'31"W);

5) a 16 inch diameter natural gas gathering line impacting 12 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°38'50"N 77°16'32"W);

6) a 16 inch diameter natural gas gathering line impacting 14 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°38'53"N 77°16'48"W);

7) a 16 inch diameter natural gas gathering line impacting 46 square feet of a palustrine emergent (PEM) wetland (Antrim, PA Quadrangle 41°38'55"N 77°16'49"W);

8) a 16 inch diameter natural gas gathering line impacting 3 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'26"N 77°16'41"W);

9) a 16 inch diameter natural gas gathering line impacting 3 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'31"N 77°16'42"W);

10) a 16 inch diameter natural gas gathering line and a temporary timber mat bridge impacting 23 linear feet of an unnamed tributary to Sand Run (CWF) (Antrim, PA Quadrangle 41°39'37"N 77°16'47"W).

The project will result in 43 linear feet of temporary stream impacts and 976 square feet (0.02 acre) of temporary wetland impacts all for the purpose of installing the natural gas gathering lines and associated access roadways in Duncan Township, Tioga County.

E5729-028: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 260 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 25 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°31'52"N, 76°21'48"W);

2) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 232 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'57"N, 76°21'23"W);

3) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,769 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 26 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°31'55"N, 76°20'55"W);

4) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,596 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'53"N, 76°20'54"W);

5) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 775 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°31'18"N, 76°20'24"W);

6) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 577 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 20 linear feet of an unnamed tributary to Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°31'18"N, 76°20'21"W);

7) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,752 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°30'41"N, 76°20'10"W);

8) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,006

square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 27 linear feet of Birch Creek (EV) (Colley, PA Quadrangle 41°30'40"N, 76°20'05"W);

9) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,677 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°30'23"N, 76°19'44"W);

10) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,152 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Colley, PA Quadrangle 41°30'23"N, 76°19'42"W);

11) two 16 inch diameter fresh waterlines and a temporary access road using timber matting impacting 1,432 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 20 linear feet of an unnamed tributary to Birch Creek (EV) (Colley, PA Quadrangle 41°30'22"N, 76°19'39"W).

The project will result in 118 linear feet of temporary stream impacts and 12,228 square feet (0.28 acre) of temporary wetland impacts all for the purpose of installing fresh waterlines for Marcellus well development.

E5729-029: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 29 linear feet of an unnamed tributary to Porter Creek (EV, MF) and adjacent Palustrine Emergent Wetland (EV) impacting 856 square feet (Shunk, PA Quadrangle Latitude: 41°34'01", Longitude: -76°43'23"),

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 22 linear feet of an unnamed tributary to Porter Creek (EV, MF) (Shunk, PA Quadrangle Latitude: 41°33'58", Longitude: -76°43'17"),

3. two 16 inch temporary waterlines and a timber mat bridge across a Palustrine Forested Wetland and Palustrine Scrub-Shrub Wetland (EV). Impacted Area: 1,386 square feet (Shunk, PA Quadrangle, Latitude: 41°33'58", Longitude: -76°43'13"),

4. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 15 linear feet of an unnamed tributary to Porter Creek (EV, MF) and adjacent Palustrine Forested Wetland (EV) impacting 171 square feet (Shunk, PA Quadrangle Latitude: 41°33'53", Longitude: -76°42'40"),

5. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 13 linear feet of an unnamed tributary to Porter Creek (EV, MF) (Shunk, PA Quadrangle Latitude: 41°33'54", Longitude: -76°42'39"),

The project will result in 79 linear feet and 291 square feet of temporary stream impacts and 2,413 square feet (0.06 acre) of temporary PEM, PSS and PFO wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E0829-036: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a timber mat bridge impacting 24 linear feet of an unnamed

tributary to Foster Branch Creek (CWF, MF) and adjacent Palustrine Emergent Wetland and Palustrine Scrub-Shrub Wetland (EV) impacting 1,539 square feet (Colley, PA Quadrangle Latitude: 41°36'43", Longitude: -76°18'11"),

The project will result in 24 linear feet or 68 square feet of temporary stream impacts, 1,539 square feet (0.04 acre) of PEM and PSS temporary wetland impacts all for the purpose of installing a natural gas line with associated access roadways.

E4129-033: Chief Gathering LLC, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090, Jordan Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one six inch natural gas pipeline and a timber mat bridge impacting 84 linear feet of an unnamed tributary to Little Muncy Creek (CWF, MF) and 3,891 square feet of adjacent palustrine emergent (PEM) wetlands (Lairdsville PA Quadrangle 41°14'33"N 76°32'05"W).

The project will result in 84 linear feet of temporary stream impacts and 0.09 acre of temporary wetland impacts all for the purpose of installing natural gas pipeline and associated roadways for Marcellus well development.

E5729-026: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain a temporary road crossing using a wood mat bridge and a 6 inch diameter well line impacting 193 linear feet of Big Bottom Run (EV) (Overton, PA Quadrangle 41°31'55"N, 76°32'23"W).

The project will result in 193 linear feet of temporary stream impacts all for the purpose of installing a well line and associated access roads for Marcellus well development in Forks Township, Sullivan County.

E5729-025: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry and Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) a temporary road crossing using a wood matting and a 16 inch diameter gathering line impacting 4,085 square feet of a palustrine emergent (PEM) wetland (Overton, PA Quadrangle 41°32'57"N, 76°30'28"W);

(2) a temporary road crossing using a wood matting and a 16 inch diameter gathering line impacting 1,585 square feet of a palustrine emergent (PEM) wetland (Overton, PA Quadrangle 41°33'03"N, 76°30'21"W);

(3) a temporary road crossing using a steel mobile bridge and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Black Creek (EV) (Overton, PA Quadrangle 41°33'11"N, 76°30'02"W);

(4) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 161 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°33'14"N, 76°29'53"W);

(5) a temporary road crossing using a wood mat bridge and a 16 inch diameter gathering line impacting 91 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°33'14"N, 76°29'50"W);

(6) a temporary road crossing using a steel mobile bridge and a 16 inch diameter gathering line impacting 192 linear feet of an unnamed tributary to Black Creek (EV) (Dushore, PA Quadrangle 41°33'15"N, 76°29'01"W);

(7) a temporary road crossing using a wood mat bridge and a 6 inch diameter gathering line impacting 156 square feet of a palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'17"N, 76°29'00"W);

(8) a permanent access road using a 40 foot long 71 inch wide by 47 inch high arch culvert impacting 43 linear feet of an unnamed tributary to Black Creek (EV) and 958 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'09"N, 76°28'35"W);

(9) a 6 inch diameter gathering line impacting 11 linear feet of an unnamed tributary to Black Creek (EV) and 37 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Dushore, PA Quadrangle 41°33'06"N, 76°28'38"W).

The project will result in 40 linear feet of permanent stream impacts, 650 linear feet of temporary stream impacts and, 6,784 square feet (0.16 acre) of temporary wetland impacts all for the purpose of installing a gathering line and associated access roads for Marcellus well development in Forks and Cherry Townships, Sullivan County. The permittee will provide 0.31 acre of compensatory mitigation at the Wilmot Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) and along the right of way near impact 6 (Dushore, PA Quadrangle 41°33'15"N, 76°29'01"W), and impact 8 (Dushore, PA Quadrangle 41°33'09"N, 76°28'35"W).

E5729-027: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain a 6 inch diameter well line impacting 131 square feet of an exceptional value palustrine forested/scrub shrub (EV-PFO/PSS) wetland (Shunk, PA Quadrangle 41°32'52"N, 76°38'26"W).

The project will result in 131 square feet of temporary wetland impacts all for the purpose of installing a well line and associated access roads for Marcellus well development in Elkland Township, Sullivan County.

E0829-037: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Tuscarora Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'35"),

2. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 25 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'40"),

3. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 46 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°43'59", Longitude: -76°07'41"),

4. two 16 inch diameter temporary waterlines and a timber mat bridge impacting 26 linear feet of an unnamed tributary to Tuscarora Creek (CWF, MF) (Laceyville, PA Quadrangle Latitude: 41°44'01", Longitude: -76°07'53"),

5. two 16 inch temporary waterlines and a timber mat bridge across a Palustrine Emergent Wetland. Impacted

Area: 280 square feet (Laceyville, PA Quadrangle, Latitude: 41°44'25", Longitude: -76°08'15"),

6. two 16 inch temporary waterlines and a timber mat bridge across a Palustrine Emergent Wetland. Impacted Area: 2,347 square feet (Laceyville, PA Quadrangle, Latitude: 41°44'22", Longitude: -76°08'16"),

The project will result in 123 linear feet and 191 square feet of temporary stream impacts and 2,627 square feet (0.06 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development.

E4129-028 EXCO Resources (PA), LLC, 3000 Ericsson Drive, Suite 200, Warrendale, PA 15086, Porter Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Pine Creek (EV) (Jersey Shore Quadrangle 41°12'30"N 77°18'22"W). The proposed withdrawal will include four removable intake structures placed on the stream bed. The project will result in 199 square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

E4129-025: Anadarko E&P Company LP, 33 West Third Street, Suite 200, Williamsport, PA 17701, Lewis Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain a surface water withdrawal along Lycoming Creek (EV) (Bodines Quadrangle 41°26'12"N 76°59'35"W). The proposed withdrawal will include two submersible pumps with related materials buried beneath the stream bed. The project will result in 592 square feet of stream impact all for the purpose of obtaining water for use to develop multiple Marcellus Shale wells.

E5929-023: Seneca Resources Corporation, 51 Zents Boulevard, Brookville, PA 15825, Richmond Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 10 inch diameter fresh water line impacting 10 linear feet of Marsh Creek (WWF) (Keeneyville, PA Quadrangle 41°47'31"N 77°19'29"W);

2) a 10 inch diameter fresh water line impacting 12 linear feet of Baldwin Run (CWF) (Keeneyville, PA Quadrangle 41°47'35"N 77°19'28"W);

3) a 10 inch diameter fresh water line impacting 516 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Keeneyville, PA Quadrangle 41°47'32"N 77°19'31"W);

4) a 10 inch diameter fresh water line impacting 201 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Keeneyville, PA Quadrangle 41°47'40"N 77°19'25"W);

5) a 10 inch diameter fresh water line impacting 238 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Keeneyville, PA Quadrangle 41°47'45"N 77°19'21"W);

The project will result in 22 linear feet of temporary stream impacts, 1,000 square feet (.02 acre) of temporary wetland impacts all for the purpose of installing a fresh water line.

E5729-020: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line impacting 5 linear feet of Streby Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'24", Longitude: -76°31'02"),

2. a 16 inch diameter natural gas line and a timber mat bridge impacting 126 linear feet of an unnamed tributary to Streby Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'09", Longitude: -76°31'14"),

The project will result in 131 linear feet and 887 square feet of temporary stream impacts all for the purpose of installing a natural gas line with associated access roadways.

E0829-031: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Overton Township, Bradford County, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter natural gas line and a timber mat bridge impacting 124 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'29", Longitude: -76°30'28"),

2. a 16 inch diameter natural gas line and a timber mat bridge impacting 200 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'15", Longitude: -76°30'45"),

3. a 16 inch diameter natural gas line and a timber mat bridge impacting 125 linear feet of an unnamed tributary to Black Creek (EV, MF) (Overton, PA Latitude: 41°34'06", Longitude: -76°30'50"),

The project will result in 449 linear feet and 4,254 square feet of temporary stream impacts all for the purpose of installing a natural gas line with associated access roadways.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the 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 to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 to the Board at (717) 787-3483 for more information.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX12-115-0073

Applicant Name WPX Energy Marcellus Gathering, LLC
Contact Person David Freudenrich
Address 6000 Town Center Boulevard, Suite 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Franklin Township
Receiving Stream(s) and Classification(s) Snake Creek (CWF, MF), Trib to the Susquehanna River Basin Watershed

ESCGP-1 # ESX12-115-0068

Applicant Name WPX Energy Marcellus Gathering, LLC
Contact Person David Freudenrich
Address 6000 Town Center Boulevard, Suite 300
City, State, Zip Canonsburg, PA 15317
County Susquehanna County
Township(s) Liberty Township
Receiving Stream(s) and Classification(s) Snake Creek and Rhiney Creek/Susquehanna River Basin Watershed

ESCGP-1 # ESX12-081-0066

Applicant Name Anadarko Marcellus Midstream, LLC
Contact Person Rane Wilson
Address 33 W. Third Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Anthony and Lycoming Townships
Receiving Stream(s) and Classification(s) Beauty's Run (WWF), Hoagland Run, Stony Gap Run (HQ-CWF)

ESCGP-1 # ESX12-015-0117

Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Leroy Township
Receiving Stream(s) and Classification(s) UNT's to Towanda Creek (CWF/MF, Towanda Creek (CWF/MF)

ESCGP-1 # ESX12-015-0118

Applicant Name Appalachia Midstream Services, LLC
Contact Person Patrick Myers, Jr.
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) North Towanda Township
Receiving Stream(s) and Classification(s) UNT to Sugar Creek (WWF/MF)

ESCGP-1 # ESX12-117-0027

Applicant Name UGI Storage Company
Contact Person Joseph Hartz
Address One Meridian Blvd.
City, State, Zip Wyomissing, PA 19610
County Tioga County
Township(s) Farmington Township
Receiving Stream(s) and Classification(s) UNT to Cummings Creek (WWF/MF);
Secondary: Cummings Creek (WWF/MF)

ESCGP-1 # ESX12-081-0057

Applicant Name Southwestern Energy Production Company
Contact Person Dave Sweeley
Address 917 State Route 92 North
City, State, Zip Tunkhannock, PA 18657
County Lycoming County
Township(s) Jackson and Cogan House Townships
Receiving Stream(s) and Classification(s) UNT to Blockhouse Creek (EV), UNT to Flicks Run (EV);
Secondary: Blockhouse Creek (EV)

ESCGP-1 # ESX12-081-0034 (01)
 Applicant Name EXCO Resources (PA) LLC
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive Suite 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming County
 Township(s) Penn And Franklin Townships
 Receiving Stream(s) and Classification(s) UNT to Beaver
 Run and Big Run;
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-081-0038 (01)
 Applicant Name EXCO Resources (PA), LLC
 Contact Person Brian Rushe
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Lycoming County
 Township(s) Penn and Franklin Townships
 Receiving Stream(s) and Classification(s) UNT To Beaver
 Run, UNT to Big Run and Big Run;
 Secondary: Little Muncy Creek

ESCGP-1 # ESX12-117-0028
 Applicant Name UGI Storage Company
 Contact Person Joseph Hartz
 Address One Meridian Boulevard
 City, State, Zip Wyomissing, PA 19610
 County Tioga County
 Township(s) Farmington Township
 Receiving Stream(s) and Classification(s) Crawford Run,
 Baldwin Creek, UNT to Elkhorn Creek (All CWF/MF)

ESCGP-1 # ESX11-115-0034 (02)
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna and Wyoming Counties
 Township(s) Auburn, Meshoppen and Washington
 Townships
 Receiving Stream(s) and Classification(s) CWF/MF: Trib.
 29351 to Little Meshoppen Creek, Trib. 29358 to Little
 Meshoppen Creek, Trib. 29374 to West Branch Meshop-
 pen Creek, Meshoppen Creek, Trib. 29397 to Meshop-
 pen Creek, W. Branch Meshoppen Creek, Baker Creek,
 Riley Creek; Susquehanna River Watershed

ESCGP-1 # ESX11-115-0187
 Applicant Name Southwestern Energy Production
 Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) New Milford Township
 Receiving Stream(s) and Classification(s) Martins Creek
 (CWF/MF)

ESCGP-1 # ESX12-131-0002
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Wyoming County
 Township(s) Windham Township
 Receiving Stream(s) and Classification(s) Roaring Run
 (CWF/MF), Little Meshoppen Creek;
 Secondary: Sugar Run Creek & Little Mehoopany
 Creek (CWF/MF) Corrected

ESCGP-1 # ESX11-131-0040 (01)
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers, Jr.
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Wyoming County
 Township(s) Meshoppen Township
 Receiving Stream(s) and Classification(s) Little Meshop-
 pen Creek; Black Walnut Creek, Tribs. 29454, 29455
 and 29456 to Susquehanna River; Susquehanna River
 (WWF/MF) Corrected

*Northwest Region: Oil and Gas Program Manager, 230
 Chestnut St., Meadville, PA 16335*

ESCGP-1 #ESX11-065-0023—Big Run Impoundment
 Applicant CNX Gas Company LLC
 Contact Daniel Bitz
 Address 280 Indian Springs Road, Suite 333
 City Indiana State PA Zip Code 15701
 County Jefferson Township(s) Henderson and Gaskill(s)
 Receiving Stream(s) and Classification(s) East Branch
 Mahoning Creek / UNT to Stump Creek / East Branch
 Mahoning Creek Watershed / Stump Creek Watershed

ESCGP-1 #ESX12-073-0014-Mahoning-Buckner Well Pad
 Applicant Hilcorp Energy Company
 Contact Stephanie McMurray
 Address 1201 Louisiana Street
 City Houston State TX Zip Code 77002
 County Lawrence Township(s) Mahoning(s)
 Receiving Stream(s) and Classification(s) UNT to Mahon-
 ing River (WWF)

ESCGP-1 #ESX12-073-0013-Pulaski-Kinkela Well Site
 Applicant Hilcorp Energy Company
 Contact Jeffrey Robertson
 Address 1201 Louisiana Street, Suite 1400
 City Houston State TX Zip Code 77002
 County Lawrence Township(s) Pulaski(s)
 Receiving Stream(s) and Classification(s) UNT to Deer
 Creek/Shenango River Watershed-WWF

ESCGP-1 #ESX12-073-0015-Mahoning Leeper Well Pad
 Applicant Hilcorp Energy Company
 Contact Stephanie McMurray
 Address 1201 Louisiana Street, Suite 1400
 City Houston State TX Zip Code 77002
 County Lawrence Township(s) Mahoning(s)
 Receiving Stream(s) and Classification(s) UNT to Mahon-
 ing River (WWF)

*Southwest Region: Oil & Gas Program Mgr. 400 Water-
 front Dr. Pittsburgh PA*

4/5/12
 ESCGP-1 No: ESX10-051-0044
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person MR JEREMY HIRTZ
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code: 15478
 County: FAYETTE Township: NORTH UNION
 Receiving Stream (s) And Classifications: UNT 40044 TO
 REDSTONE CREEK / MONONGAHELA RIVER WA-
 TERSHED; OTHER

5/3/12
 ESCGP-1 No.: ESX11-051-0023
 Applicant Name: CHEVRON APPALACHIA LLC
 Contact Person: MR JEREMY HIRTZ
 Address: 800 MOUNTAIN VIEW DRIVE
 City: SMITHFIELD State: PA Zip Code: 15478

County: FAYETTE Township(s): REDSTONE
Receiving Stream(s) and Classifications: UNT TO ROWES RUN (WWF) / MIDDLE MONONGAHELA RIVER WATERSHED; OTHER

3/23/12

ESCGP-1 No.: ESX12-007-0006
Applicant Name: RANGE RESOURCES APPALACHIA LLC

Contact Person: MR GLENN D TRUZZI
Address: 3000 TOWN CENTER BOULEVARD
City: CANONSBURG State: PA Zip Code: 15317
County: BEAVER Township(s): HANOVER

Receiving Stream(s) and Classifications: UNTs TO LITTLE TRAVERSE CREEK AND UNT TO RACCOON CREEK / RACCOON CREEK WATERSHED; OTHER

5/3/12

ESCGP-1 No.: ESX10-051-0033
Applicant Name: CHEVRON APPALACHIA LLC
Contact Person: MR JEREMY HIRTZ
Address: 800 MOUNTAIN VIEW DRIVE
City: SMITHFIELD State: PA Zip Code: 15478
County: FAYETTE Township(s): LUZERNE
Receiving Stream(s) and Classifications: UNT TO WALLACE RUN (WWF), WALLACE RUN (WWF)/MIDDLE MONONGAHELA RIVER WATERSHED; OTHER

5/3/12

ESCGP-1 No.: ESX11-059-0055 MAJOR REVISION
Applicant Name: EQT PRODUCTION COMPANY
Contact Person: MR TODD KLANER
Address: 455 RACETRACK ROAD
City: WASHINGTON State: PA Zip Code: 15301
County: GREENE Township(s): MORRIS AND CENTER
Receiving Stream(s) and Classifications: UNT TO PATTERSON CREEK—HQ-WWF, PATTERSON CREEK—HQ-WWF SOUTH FORK TENMILE CREEK WATERSHED; MONONGAHELA RIVER WATERSHED; HQ

4/20/12

ESCGP-1 No.: ESX10-059-0065 MINOR REVISION
Applicant Name: CHEVRON APPALACHIA LLC
Contact Person MR JEREMY HIRTZ
Address: 800 MT VIEW DRIVE
City: SMITHFIELD State: PA Zip Code: 15478
County: GREENE Township: DUNKARD
Receiving Stream (s) And Classifications: CROOKED RUN WWF; OTHER

4/19/12

ESCGP-1 No.: ESX11-125-0094 MAJOR REVISION
Applicant Name: MARKWEST LIBERTY MIDSTREAM & RESOURCES LLC
Contact Person: MR RICK LOWRY
Address: 824 MORGANZA ROAD
City: CANONSBURG State: PA Zip Code: 15317
County: WASHINGTON Township(s): MOUNT PLEASANT
Receiving Stream(s) and Classifications: UNTs TO RACCOON CREEK (WWF) RACCOON CREEK (WWF); OTHER

2/21/12

ESCGP-1 No.: ESX10-129-0039 MAJOR REVISION
Applicant Name: CNX GAS COMPANY LLC
Contact Person: MR CRAIG NEAL
Address: 280 INDIAN SPRINGS ROAD SUITE 333
City: INDIANA State: PA Zip Code: 15701
County: WESTMORELAND Township(s): BELL
Receiving Stream(s) and Classifications: UNT TO BEAVER RUN RESERVOIR/BEAVER RUN RESERVOIR; HQ; EXCEPTIONAL VALUE

4/24/12

ESCGP-1 No.: ESX11-007-0007 MAJOR REVISION
Applicant Name: APPALACHIA MIDSTREAM SERVICES LLC

Contact Person: MR ERIC STEWART
Address: 179 CHESAPEAKE DRIVE
City: JANE LEW State: WV Zip Code: 28378
County: BEAVER Township(s): OHIOVILLE AND SOUTH BEAVER

Receiving Stream(s) and Classifications: PINE RUN / OHIO RIVER BASIN; SEE ATTACHMENT E FOR STREAM TABLE; HQ; OTHER—WWF

3/28/12

ESCGP-1 No.: ESX12-059-0021
Applicant Name: LAUREL MOUNTAIN MIDSTREAM LLC

Contact Person: MR CLAYTON A ROESLER
Address: 1605 CORAOPOLIS HEIGHTS ROAD
City: MOON TOWNSHIP State: PA Zip Code: 15108
County: GREENE Township(s): GREENE

Receiving Stream(s) and Classifications: MINOR RUN (TSF) UNT TO MINOR RUN (TSF) AND UNTs TO WHITELEY CREEK (TSF) / UPPER MONONGAHELA RIVER; OTHER

4/23/12

ESCGP-1 No.: ESX12-007-0010
Applicant Name: CHESAPEAKE APPALACHIA LLC
Contact Person: MR ERIC W HASKINS
Address: 101 NORTH MAIN STREET
City: ATHENS State: PA Zip Code: 18810
County: BEAVER Township(s): SOUTH BEAVER
Receiving Stream(s) and Classifications: UNT TO BRUSH RUN—HQ—CWF MCELROY RUN—TSF; HQ; OTHER

2/16/12

ESCGP-1 No.: ESX10-059-0075 MAJOR REVISION
Applicant Name: EQT PRODUCTION
Contact Person: MR TODD KLANER
Address: 455 RACETRACK ROAD
City: WASHINGTON State: PA Zip Code 15301
County: GREENE Township(s): MORGAN
Receiving Stream(s) and Classifications: BROWNS RUN / UNT TO SOUTH FORK TENMILE CREEK (WWF) TENMILE CREEK WATERSHED (WWF); OTHER

4/4/12

ESCGP-1 No.: ESX12-129-0009
Applicant Name: WPXENERGY MARCELLUS GATHERING LLC
Contact Person: MR MARKUS COLENBRANDER
Address: 6000 TOWN CENTER WAY SUITE 300
City: CANONSBURG State: PA Zip Code: 15317
County: WESTMORELAND Township(s): DONEGAL AND COOK
Receiving Stream(s) and Classifications: FOURMILE RUN (TSF) IS A DIRECT TRIBUTARY TO THE LOYALHANNA CREEK, WHICH IS A DIRECT TRIBUTARY TO THE CONEMAUGH RIVER; OTHER

2/21/12

ESCGP-1 No.: ESX12-129-0003
Applicant Name: CNX GAS COMPANY LLC
Contact Person: MR DANIEL A BITZ
Address: 280 INDIAN SPRINGS ROAD SUITE 333
City: INDIANA State: PA Zip Code: 15701
County: WESTMORELAND Township(s): WASHINGTON
Receiving Stream(s) and Classifications: BEAVER RUN RESERVOIR / BEAVER RUN WATERSHED; HQ

4/26/12

ESCGP-1 NO.: ESX11-059-0059

Applicant Name: M3 APPALACHIA GATHERING LLC

CONTACT PERSON: MR JAMES C ROBERTS

ADDRESS: 1099 MAIN AVENUE SUITE 210

City: DURANGO State: CO Zip Code: 81301-5157

County: GREENE Township(s): JEFFERSON, FRANKLIN, WHITELEY, PERRY AND WAYNE

Receiving Stream(s) and Classifications: UNT TO SOUTH FORK TENMILE CREEK / TENMILE CREEK; UNT TO MUDDY CREEK / TENMILE CREEK, UNT TO COAL LICK RUN/TENMILE CREEK, UNT TO MOUNT PHOEBE RUN/WHITELEY CREEK; MOUNT PHOEBE

RUN/WHITELEY, TRIBUTARY TO MOUNT PHOEBE RUN/WHITELEY CREEK; UNT TO DYERS FORK/WHITELEY CREEK; TRIBUTARY TO DYERS FORK/WHITELEY CREEK; DYERS FORK/WHITELEY CREEK; WHITELEY CREEK/MONONGAHELA RIVER; UNT TO WHITELEY CREEK/MONONGAHELA RIVER, TRIBUTARY TO WHITELEY CREEK/MONONGAHELA RIVER; TRIBUTARY TO RUDOLPH RUN/DUNKARD CREEK; UNT TO PATTERSON RUN/WHITELEY CREEK; RUDOLPH RUN/WHITELEY CREEK; AND UNT TO RUDOLPH RUN/WHITELEY CREEK. SEE ATTACHMENT F FOR STREAM TABLE; OTHER; WWF, TSF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
12-18-002	Baker Hughes Oilfield Operations, Inc. 17021 Aldine Westfield Road Houston, TX 77073-5101 Attn: Mr. Joshua Morrisette	Clinton	Lamar Township	14 ASTs storing petroleum products and hazardous substances	96,960 gallons total

SPECIAL NOTICES

REQUEST FOR PROPOSALS; MUNICIPAL SOLID WASTE DISPOSAL AND PROCESSING CAPACITY; THE BUTLER COUNTY BOARD OF COMMISSIONERS

The Butler County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Butler County Pennsylvania with contract approval and execution anticipated by September 2012.

Deadline: The County will receive sealed proposals until 3:00 p.m., Prevailing Time on Tuesday, June 26, 2012.

Format: The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and three (3) "copies" formatted as pdf files each on separate electronic media, CD-ROMs or Flash Drives.

Facilities often submit considerably more information and documentation than is actually required by the RFP.

Complete, clear, and concise responses are encouraged. The guidelines and instructions offer suggestions on ways to minimize the efforts required.

SEWAGE FACILITIES ACT SPECIAL NOTICE

Special Notice Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Plan Location:

Borough or Township	Borough or Township Address	County
Reynoldsville Borough	460 Main Street, Suite 5, Reynoldsville, PA 15851	Jefferson

Plan Description: The approved plan ensures hydraulic and organic capacity for Reynoldsville Borough's (Borough) long term sewage handling needs through upgrades and expansion of the existing Sewage Treatment Plant (STP) as well as extending the existing service area to sewer a needs area within the Borough along SR 310, Pleasant Street and Bradford Street. Consideration was also given to three adjacent needs areas within Winslow Township. The Winslow Township areas studied are as follows: SR 310/Pike Street, Route 950 area, and SR 322/Big Run area. Additional planning is required should Winslow Township decide to pursue their portion of this plan. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

REQUEST FOR COMMENTS ON THE PROPOSED TOTAL MAXIMUM DAILY LOADS (TMDLs) DEVELOPED FOR THE SCHWABEN CREEK WATERSHED IN NORTHUMBERLAND COUNTY

The Department of Environmental Protection will accept comments on the proposed TMDLs developed for the Schwaben Creek Watershed in Northumberland County, PA. These TMDLs were established in accordance with the requirements of Section 303(d) of the Clean Water Act. The Pennsylvania Integrated Water Quality Monitoring and Assessment Report included impaired stream

segments in this watershed. The listings of these waterbodies were due to use impairments caused by excessive siltation.

There currently are no state or federal instream numerical water quality criteria for siltation. Therefore, the Department utilized a reference watershed approach to implement the applicable narrative criteria. These proposed TMDLs set allowable loadings of sediment in the Schwaben Creek Watershed. The sediment loadings were

allocated among cropland, hay/pasture land, unpaved roads and streambank categories present in the watershed. Data used in establishing these TMDLs was generated using a water quality analysis model (AVGWLF) designed by the Pennsylvania State University.

The following table shows the estimated current sediment loadings for the watershed. Overall the load reduction necessary in order to meet the TMDLs is also identified.

Summary of TMDL Based Load Reductions in the Schwaben Creek Watershed

<i>Pollutant</i>	<i>Existing Load (lbs./yr.)</i>	<i>Existing Load (lbs./day)</i>	<i>TMDL (lbs./yr.)</i>	<i>TMDL (lbs./day)</i>	<i>Percent Reduction</i>
Sediment	10,980,800	30,084	7,009,839	19,205	36%

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDLs and information on the TMDL program can be viewed on the Department's website (www.dep.state.pa.us/watermanagement_apps/tmdl/). To request a copy of any of the proposed TMDLs contact Gary M. Gocek, Water Program Specialist, Department of Environmental Protection, Rachel Carson State Office Building, Harrisburg, PA 17105, Phone: 717-772-1674, e-mail: ggocek@pa.gov.

The Department will consider all comments in developing the final TMDLs, which will be submitted to EPA for approval. Written comments will be accepted at the above address and must be postmarked by 45 days after publication in the PA bulletin. A public meeting to discuss the technical merits of the TMDLs will be held upon request.

[Pa.B. Doc. No. 12-1053. Filed for public inspection June 8, 2012, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance 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 "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—New Guidance

DEP ID: 385-2314-001. Title: Act 537 Program Guidance; Training Provider Manual for the Pennsylvania Onlot Sewage System Training Program. Description: This document serves to establish the Pennsylvania Onlot Sewage System Training Program. Within the administration of the training program, this document creates uniform procedures and protocol for reviewing and approving training providers as approved sponsors and for review and approval of third-party provider-based training courses and conferences for the continuing education of sewage enforcement officers, to ensure application of appropriate credit to sewage enforcement officers for training taken and for the comprehensive training of onlot sewage system installers. This guidance was published as draft in the *Pennsylvania Bulletin* at 42 Pa.B. 619 (January 28, 2012). The public comment period closed on February 27, 2012. No comments were received. Minor changes were made to the draft guidance to correct text errors noted by program staff.

Effective Date: The proposed guidance document will be effective upon publication as final in the *Pennsylvania Bulletin*.

Contact: Questions regarding the final technical guidance document should be directed to John Borland, (717) 783-7423, jborland@pa.gov.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1054. Filed for public inspection June 8, 2012, 9:00 a.m.]

Nutrient Credit Trading Program; Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient Credit Trading Program (Trading Program). These actions were taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from

a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients.

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 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 AT&T 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

For further information about this action or the Trading Program, contact Karen Price, Interstate Waters Office, Department of Environmental Protection, P.O. Box 8465, Harrisburg, PA 17105-8465, (717) 772-4785, kprice@pa.gov or visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

The following certification requests have been approved by the Department. The approval of these requests is considered a final action of the Department.

Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601). This approval is applicable to nitrogen and phosphorous reduction credits to be generated by the Dennis Eby Farm from the pollutant reduction activities of 14.8 acres of continuous no-till and cover crops on corn fields and 10.7 acres of continuous no-till on wheat. This approval includes a verification plan, and authorizes the generation of 78 nitrogen reduction credits and 4 phosphorus reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 6747 (December 10, 2011).

Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601). This approval is applicable to nitrogen and phosphorous reduction credits to be generated by the Jay Hess Farm from the pollutant reduction activities of 26 acres of continuous no-till and cover crops

on corn fields. This approval includes a verification plan and authorizes the generation of 513 nitrogen reduction credits and 4 phosphorus reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 6747.

Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601). This approval is applicable to nitrogen reduction credits to be generated by the Daniel B. Petersheim Farm from the pollutant reduction activities of 35 acres of continuous no-till and cover crops on corn fields. This approval includes a verification plan and authorizes the generation of 491 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 6747.

Red Barn Trading Company (1383 Arcadia Road, Lancaster, PA 17601). This approval is applicable to nitrogen reduction credits to be generated by the Gerald Zimmerman Farm from the pollutant reduction activities of 75 acres of continuous no-till and cover crops on corn fields. This approval includes a verification plan and authorizes the generation of 1,581 nitrogen reduction credits. This certification of annual credits is valid until September 30, 2016, as long as the pollution reduction activities are implemented, maintained and verified under the terms and conditions contained in the certification. After September 30, 2016, credits for the pollution reduction activities may only be generated if recertification, which will be based on the program requirements in place on the date of the recertification submission, is obtained. Notice of the certification request was published for comment at 41 Pa.B. 6747.

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1055. Filed for public inspection June 8, 2012, 9:00 a.m.]

Pennsylvania's Proposed Infrastructure State Implementation Plan Revision for the 2008 Lead National Ambient Air Quality Standard

On October 28, 2008, the United States Environmental Protection Agency (EPA) promulgated revisions to the primary and secondary lead National Ambient Air Quality Standards (NAAQS). These standards were lowered from 1.5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to 0.15 $\mu\text{g}/\text{m}^3$.

Section 110 of the Federal Clean Air Act (CAA) (42 U.S.C.A. § 7410) requires states to develop State Implementation Plan (SIP) revisions and programs to meet the NAAQS established by the EPA to protect public health

and welfare. Section 110 of the CAA also prescribes general elements for the implementation of SIPs. Section 110(a)(1) and (2) of the CAA, requires states to submit SIP revisions to the EPA Administrator that provide for implementation, maintenance and enforcement of the NAAQS. This SIP revision, generally referred to as the "Infrastructure SIP," describes basic elements including ambient air quality monitoring, emission inventories, enforcement of control measures, modeling, nonattainment new source review, prevention of significant deterioration and stationary source monitoring. These elements of the SIP are designed to assure attainment and maintenance of the 2008 lead NAAQS. States are required to submit these SIP revisions to the EPA 3 years from the date a new or revised NAAQS is signed by the EPA Administrator. This SIP revision was due to the EPA on October 15, 2011. However, the EPA released its final guidance on infrastructure SIP revisions on October 14, 2011; this SIP revision was delayed to ensure consistency with Federal guidance.

The Department of Environmental Protection (Department) is seeking comment on the Commonwealth's proposed Lead Infrastructure SIP revision which includes a certification of adequacy that the Commonwealth's infrastructure SIP elements satisfy the requirement of section 110(a)(1) and (2) of the CAA for the 2008 lead NAAQS. The proposed SIP revision is available on the Department's web site at www.dep.state.pa.us (choose Air Plans) or through the contact persons listed as follows. This "infrastructure" SIP revision does not adopt new control measures.

The Department will hold a public hearing to receive comments on the proposed SIP revision on Tuesday, July 10, 2012, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Susquehanna Room A, Harrisburg, PA. Persons wishing to present testimony at the hearing should contact Sian Rose, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9702, or sirose@pa.gov to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Written comments may also be submitted on the proposed infrastructure SIP revision for the 2008 lead NAAQS. The Department must receive the comments no later than July 13, 2012. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, or ashulman@pa.gov. Reference "Lead Infrastructure" in the subject line.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Sian Rose at (717) 787-9702 or sirose@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs

MICHAEL L. KRANCER,
Secretary

[Pa.B. Doc. No. 12-1056. Filed for public inspection June 8, 2012, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Exemption from Requirements

A study to determine if the Department of General Services' (Department) Buildings located at 22nd and Forster Streets, Harrisburg, PA should be exempted from the requirements of section 2420 of The Administrative Code of 1929 (71 P. S. § 650) will be performed within the next 90 days. The result from this study may result in the conversion of the Department's coal-fired heating system to a fuel other than coal.

For additional information, contact Gary R. Taylor, Director, Bureau of Engineering and Architecture, Department of General Services, 18th and Herr Streets, 201 Headquarters Building, Harrisburg, PA 17125, (717) 787-6200, fax (717) 772-2036, gtaylor@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 12-1057. Filed for public inspection June 8, 2012, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Rate-Setting Methodology, Fee Schedule Rates and Vendor Goods and Services for the Medical Assistance Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers and the Act 150 Program

The Department of Public Welfare (Department) is announcing the rate-setting methodology and fee schedule rates for the Medical Assistance (MA) Aging, Attendant Care, COMMCARE, Independence and OBRA Waivers (waivers) and the Act 150 Program under 55 Pa. Code § 52.45(a) and (b) (relating to fee schedule rates). In addition, the Department is announcing which waiver and Act 150 Program services are vendor goods or services under 55 Pa. Code § 52.51 (relating to vendor good or service payment). Finally, the Department is announcing which services are specific to each applicable waiver and Act 150 Program under 55 Pa. Code § 52.42(b) (relating to payment policies).

With the exception of the amendments related to service coordination, the United States Department of Health and Human Services (HHS) has approved these changes effective June 1, 2012. The waiver amendments related to service coordination are pending HHS approval.

Rate-Setting Methodology

The rate methodology for the fee schedule rates was developed utilizing specific allowable cost categories as prescribed by the Federal Centers for Medicare and Medicaid Services. These cost categories include the following:

- Wage costs.
 - o Direct care staff.
 - o Direct supervisor.

- Benefit costs.
 - Health and dental insurance, Social Security and Medicare, unemployment taxes, worker's compensation, 401k employer match and other benefits.
- Non-client time (productivity) adjustments.
 - Training time for direct care staff.
- Travel costs as applicable to the appropriate waiver or Act 150 Program.
- Direct program costs.
 - Supplies and food as applicable to the appropriate waiver or Act 150 Program.
- Supervisory and oversight costs.
 - Quality management and clinical reviews as applicable to the appropriate waiver or Act 150 Program.
- Indirect costs.
 - Administrative expenses such as management, office supplies and equipment, recruitment, information technology, human resources, billing, finance and accounting, legal and other indirect costs necessary for program operations.

Fee schedule rates were developed using a standardized market-based rate setting methodology. Relevant market-based information used to determine the fee schedule rates included Commonwealth-specific wage information from the Center for Workforce Information and Analysis, Occupational Wages by County, Bureau of Labor Statis-

tics Employer Costs, cost surveys from providers, Medicare rate information and MA State Plan Fee Schedules.

The rates also have been adjusted regionally to reflect differences in service delivery costs, based on the characteristics of each region. The counties are categorized into Regions 1 through 4 as follows:

- Region 1: Allegheny, Armstrong, Beaver, Fayette, Greene, Washington, Westmoreland.
- Region 2: Bedford, Blair, Bradford, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Wyoming.
- Region 3: Adams, Berks, Carbon, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Northampton, Perry, Schuylkill, York.
- Region 4: Bucks, Chester, Delaware, Montgomery, Philadelphia.

Fee Schedule Rates

The following table provides the list of services, respective procedure codes, regional rates per unit and a crosswalk of services to the waivers and the Act 150 Program:

HCBS Fee Schedule Rates (Region 1)										
Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver.										
In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 1</i>	<i>Unit</i>
Adult Daily Living	X	N/A	N/A	X	X	X	S5102		\$58.39	1 Day
Adult Daily Living Services Enhanced	X	N/A	N/A	X	X	X	S5102	U4	\$75.01	1 Day
Adult Daily Living Services Half Day	X	N/A	N/A	X	X	X	S5102	U5	\$29.20	1/2 Day
Community Integration	N/A	N/A	N/A	X	X	X	97537		\$6.29	15 Minutes
Financial Management Services	X	X	X	X	X	X	W7341		\$85.00	1 Month
Financial Management Services Start Up	X	X	X	X	X	X	W7341	U4	\$277.00	1 time
Financial Management Services My Way	X	X	X	X	X	X	W7341	U2	\$85.00	1 month
Home Health Aide	X	N/A	N/A	N/A	N/A	N/A	T2025		\$5.38	15 Minutes
Home Health—Nursing (LPN)	X	N/A	N/A	X	X	X	T1003	SE	\$11.02	15 Minutes
Home Health—Nursing (RN)	X	N/A	N/A	X	X	X	T1002	SE	\$16.55	15 Minutes

HCBS Fee Schedule Rates (Region 1)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
 IW = Independence Waiver; OW = OBRA Waiver.
 In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 1</i>	<i>Unit</i>
Home Health—Occupational Therapy	X	N/A	N/A	X	X	X	T2025	GO	\$21.29	15 Minutes
Home Health—Occupational Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GO U4	\$14.48	15 Minutes
Home Health—Physical Therapy	X	N/A	N/A	X	X	X	T2025	GP	\$20.20	15 Minutes
Home Health—Physical Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GP U4	\$11.51	15 Minutes
Home Health—Speech & Language Therapy	X	N/A	N/A	X	X	X	T2025	GN	\$21.72	15 Minutes
PAS (Agency)	X	X	X	X	X	X	W1793		\$4.29	15 Minutes
PAS (Consumer)	X	X	X	X	X	X	W1792		\$3.34	15 Minutes
PAS (CSLA)	N/A	N/A	N/A	N/A	X	X	W1793	TT	\$4.46	15 Minutes
Prevocational Services	N/A	N/A	N/A	X	N/A	X	W6107		\$6.29	15 Minutes
Residential Habilitation 1-3	N/A	N/A	N/A	X	N/A	X	W0100		\$264.15	24 Hours
Residential Habilitation 1-3 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0101	U4	\$19.79	1 Hour
Residential Habilitation 1-3 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0101	U5	\$39.58	1 Hour
Residential Habilitation 4-8	N/A	N/A	N/A	X	N/A	X	W0102		\$247.67	1 Day
Residential Habilitation 4-8 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0103	U4	\$19.62	1 Hour
Residential Habilitation 4-8 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0103	U5	\$39.23	1 Hour
Respite (Agency)	X	N/A	N/A	X	X	X	T1005		\$4.29	15 Minutes
Respite (Consumer)	X	N/A	N/A	X	X	X	S5150		\$3.34	15 Minutes
Service Coordination	X	X	X	X	X	X	W1011		\$13.98	15 Minutes
Structured Day Habilitation Group	N/A	N/A	N/A	X	N/A	X	W0104		\$34.56	1 Hour
Structured Day Habilitation 1:1	N/A	N/A	N/A	X	N/A	X	W0105	U4	\$19.62	1 Hour
Structured Day Habilitation 2:1	N/A	N/A	N/A	X	N/A	X	W0105	U5	\$39.23	1 Hour

HCBS Fee Schedule Rates (Region 1)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
 IW = Independence Waiver; OW = OBRA Waiver.
 In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 1</i>	<i>Unit</i>
Supported Employment	N/A	N/A	N/A	X	X	X	W6106		\$40.48	1 Hour
Thera & Couns Svcs (Behavior Therapy)	N/A	N/A	N/A	X	X	X	H2019		\$ 20.79	15 Minutes
Thera & Couns Svcs (Cognitive Rehabilitation)	N/A	N/A	N/A	X	X	X	97532	SE	\$14.12	15 Minutes
Thera & Couns Svcs (Counseling Svcs)	X	N/A	N/A	X	X	X	H0004		\$11.83	15 Minutes
Thera & Couns Svcs (Nutritional Counseling)	X	N/A	N/A	X	X	X	S9470	AE U4	\$13.77	15 Minutes
Transition Service Coordination	X	X	N/A	X	X	X	W7337		\$10.00	15 Minutes
Telecare Equipment Installation and Removal	X	N/A	N/A	N/A	N/A	N/A	W2024		\$90.00	One Time
Telecare Activity and Sensor Monitoring Ongoing	X	N/A	N/A	N/A	N/A	N/A	W9006		\$80.00	Monthly
Telecare Equipment Installation and Removal with Training	X	N/A	N/A	N/A	N/A	N/A	W2025		\$200.00	One Time
Telecare Health Status Measuring and Monitoring Remote	X	N/A	N/A	N/A	N/A	N/A	T2025	GT	\$10.00	Per Day
Telecare Medication Dispensing and Monitoring	X	N/A	N/A	N/A	N/A	N/A	S5185	32	\$50.00	Monthly

HCBS Fee Schedule Rates (Region 2)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
 IW = Independence Waiver; OW = OBRA Waiver.
 In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 2</i>	<i>Unit</i>
Adult Daily Living	X	N/A	N/A	X	X	X	S5102		\$58.91	1 Day
Adult Daily Living Services Enhanced	X	N/A	N/A	X	X	X	S5102	U4	\$71.79	1 Day
Adult Daily Living Services Half Day	X	N/A	N/A	X	X	X	S5102	U5	\$29.45	1/2 Day
Community Integration	N/A	N/A	N/A	X	X	X	97537		\$6.50	15 Minutes

HCBS Fee Schedule Rates (Region 2)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
IW = Independence Waiver; OW = OBRA Waiver.

In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 2</i>	<i>Unit</i>
Financial Management Services	X	X	X	X	X	X	W7341		\$85.00	1 Month
Financial Management Services Start Up	X	X	X	X	X	X	W7341	U4	\$277.00	1 time
Financial Management Services My Way	X	X	X	X	X	X	W7341	U2	\$85.00	1 month
Home Health Aide	X	N/A	N/A	N/A	N/A	N/A	T2025		\$5.38	15 Minutes
Home Health—Nursing (LPN)	X	N/A	N/A	X	X	X	T1003	SE	\$11.02	15 Minutes
Home Health—Nursing (RN)	X	N/A	N/A	X	X	X	T1002	SE	\$16.55	15 Minutes
Home Health—Occupational Therapy	X	N/A	N/A	X	X	X	T2025	GO	\$21.29	15 Minutes
Home Health—Occupational Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GO U4	\$14.48	15 Minutes
Home Health—Physical Therapy	X	N/A	N/A	X	X	X	T2025	GP	\$20.20	15 Minutes
Home Health—Physical Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GP U4	\$11.51	15 Minutes
Home Health—Speech & Language Therapy	X	N/A	N/A	X	X	X	T2025	GN	\$21.72	15 Minutes
PAS (Agency)	X	X	X	X	X	X	W1793		\$4.77	15 Minutes
PAS (Consumer)	X	X	X	X	X	X	W1792		\$3.20	15 Minutes
PAS (CSLA)	N/A	N/A	N/A	N/A	X	X	W1793	TT	\$4.96	15 Minutes
Prevocational Services	N/A	N/A	N/A	X	N/A	X	W6107		\$6.50	15 Minutes
Residential Habilitation 1-3	N/A	N/A	N/A	X	N/A	X	W0100		\$264.15	24 Hours
Residential Habilitation 1-3 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0101	U4	\$19.79	1 Hour
Residential Habilitation 1-3 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0101	U5	\$39.58	1 Hour
Residential Habilitation 4-8	N/A	N/A	N/A	X	N/A	X	W0102		\$247.67	1 Day
Residential Habilitation 4-8 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0103	U4	\$19.62	1 Hour

HCBS Fee Schedule Rates (Region 2)										
Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver. In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 2</i>	<i>Unit</i>
Residential Habilitation 4-8 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0103	U5	\$ 39.23	1 Hour
Respite (Agency)	X	N/A	N/A	X	X	X	T1005		\$4.77	15 Minutes
Respite (Consumer)	X	N/A	N/A	X	X	X	S5150		\$3.20	15 Minutes
Service Coordination	X	X	X	X	X	X	W1011		\$15.67	15 Minutes
Structured Day Habilitation Group	N/A	N/A	N/A	X	N/A	X	W0104		\$34.56	1 Hour
Structured Day Habilitation 1:1	N/A	N/A	N/A	X	N/A	X	W0105	U4	\$19.62	1 Hour
Structured Day Habilitation 2:1	N/A	N/A	N/A	X	N/A	X	W0105	U5	\$39.23	1 Hour
Supported Employment	N/A	N/A	N/A	X	X	X	W6106		\$39.88	1 Hour
Thera & Couns Svcs (Behavior Therapy)	N/A	N/A	N/A	X	X	X	H2019		\$20.79	15 Minutes
Thera & Couns Svcs (Cognitive Rehabilitation)	N/A	N/A	N/A	X	X	X	97532	SE	\$14.12	15 Minutes
Thera & Couns Svcs (Counseling Svcs)	X	N/A	N/A	X	X	X	H0004		\$11.83	15 Minutes
Thera & Couns Svcs (Nutritional Counseling)	X	N/A	N/A	X	X	X	S9470	AE U4	\$13.77	15 Minutes
Transition Service Coordination	X	X	N/A	X	X	X	W7337		\$10.00	15 Minutes
Telecare Equipment Installation and Removal	X	N/A	N/A	N/A	N/A	N/A	W2024		\$90.00	One Time
Telecare Activity and Sensor Monitoring Ongoing	X	N/A	N/A	N/A	N/A	N/A	W9006		\$80.00	Monthly
Telecare Equipment Installation and Removal with Training	X	N/A	N/A	N/A	N/A	N/A	W2025		\$200.00	One Time
Telecare Health Status Measuring and Monitoring Remote	X	N/A	N/A	N/A	N/A	N/A	T2025	GT	\$10.00	Per Day
Telecare Medication Dispensing and Monitoring	X	N/A	N/A	N/A	N/A	N/A	S5185	32	\$50.00	Monthly

HCBS Fee Schedule Rates (Region 3)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
IW = Independence Waiver; OW = OBRA Waiver.

In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 3</i>	<i>Unit</i>
Adult Daily Living	X	N/A	N/A	X	X	X	S5102		\$60.86	1 Day
Adult Daily Living Services Enhanced	X	N/A	N/A	X	X	X	S5102	U4	\$68.42	1 Day
Adult Daily Living Services Half Day	X	N/A	N/A	X	X	X	S5102	U5	\$30.43	1/2 Day
Community Integration	N/A	N/A	N/A	X	X	X	97537		\$6.96	15 Minutes
Financial Management Services	X	X	X	X	X	X	W7341		\$85.00	1 Month
Financial Management Services Start Up	X	X	X	X	X	X	W7341	U4	\$277.00	1 time
Financial Management Services My Way	X	X	X	X	X	X	W7341	U2	\$85.00	1 month
Home Health Aide	X	N/A	N/A	N/A	N/A	N/A	T2025		\$5.38	15 Minutes
Home Health—Nursing (LPN)	X	N/A	N/A	X	X	X	T1003	SE	\$11.02	15 Minutes
Home Health—Nursing (RN)	X	N/A	N/A	X	X	X	T1002	SE	\$16.55	15 Minutes
Home Health—Occupational Therapy	X	N/A	N/A	X	X	X	T2025	GO	\$21.29	15 Minutes
Home Health—Occupational Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GO U4	\$14.48	15 Minutes
Home Health-Physical Therapy	X	N/A	N/A	X	X	X	T2025	GP	\$20.20	15 Minutes
Home Health—Physical Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GP U4	\$11.51	15 Minutes
Home Health—Speech & Language Therapy	X	N/A	N/A	X	X	X	T2025	GN	\$21.72	15 Minutes
PAS (Agency)	X	X	X	X	X	X	W1793		\$4.49	15 Minutes
PAS (Consumer)	X	X	X	X	X	X	W1792		\$3.50	15 Minutes
PAS (CSLA)	N/A	N/A	N/A	N/A	X	X	W1793	TT	\$4.67	15 Minutes
Prevocational Services	N/A	N/A	N/A	X	N/A	X	W6107		\$6.96	15 Minutes
Residential Habilitation 1-3	N/A	N/A	N/A	X	N/A	X	W0100		\$264.15	24 Hours

HCBS Fee Schedule Rates (Region 3)										
Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver. In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 3</i>	<i>Unit</i>
Residential Habilitation 1-3 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0101	U4	\$19.79	1 Hour
Residential Habilitation 1-3 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0101	U5	\$39.58	1 Hour
Residential Habilitation 4-8	N/A	N/A	N/A	X	N/A	X	W0102		\$247.67	1 Day
Residential Habilitation 4-8 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0103	U4	\$19.62	1 Hour
Residential Habilitation 4-8 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0103	U5	\$39.23	1 Hour
Respite (Agency)	X	N/A	N/A	X	X	X	T1005		\$4.49	15 Minutes
Respite (Consumer)	X	N/A	N/A	X	X	X	S5150		\$3.50	15 Minutes
Service Coordination	X	X	X	X	X	X	W1011		\$14.53	15 Minutes
Structured Day Habilitation Group	N/A	N/A	N/A	X	N/A	X	W0104		\$34.56	1 Hour
Structured Day Habilitation 1:1	N/A	N/A	N/A	X	N/A	X	W0105	U4	\$19.62	1 Hour
Structured Day Habilitation 2:1	N/A	N/A	N/A	X	N/A	X	W0105	U5	\$39.23	1 Hour
Supported Employment	N/A	N/A	N/A	X	X	X	W6106		\$45.25	1 Hour
Thera & Couns Svcs (Behavior Therapy)	N/A	N/A	N/A	X	X	X	H2019		\$20.79	15 Minutes
Thera & Couns Svcs (Cognitive Rehabilitation)	N/A	N/A	N/A	X	X	X	97532	SE	\$14.12	15 Minutes
Thera & Couns Svcs (Counseling Svcs)	X	N/A	N/A	X	X	X	H0004		\$11.83	15 Minutes
Thera & Couns Svcs (Nutritional Counseling)	X	N/A	N/A	X	X	X	S9470	AE U4	\$13.77	15 Minutes
Transition Service Coordination	X	X	N/A	X	X	X	W7337		\$10.00	15 Minutes
Telecare Equipment Installation and Removal	X	N/A	N/A	N/A	N/A	N/A	W2024		\$90.00	One Time
Telecare Activity and Sensor Monitoring Ongoing	X	N/A	N/A	N/A	N/A	N/A	W9006		\$80.00	Monthly

HCBS Fee Schedule Rates (Region 3)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
 IW = Independence Waiver; OW = OBRA Waiver.
 In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 3</i>	<i>Unit</i>
Telecare Equipment Installation and Removal with Training	X	N/A	N/A	N/A	N/A	N/A	W2025		\$200.00	One Time
Telecare Health Status Measuring and Monitoring Remote	X	N/A	N/A	N/A	N/A	N/A	T2025	GT	\$10.00	Per Day
Telecare Medication Dispensing and Monitoring	X	N/A	N/A	N/A	N/A	N/A	S5185	32	\$50.00	Monthly

HCBS Fee Schedule Rates (Region 4)

Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver;
 IW = Independence Waiver; OW = OBRA Waiver.
 In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.

<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 4</i>	<i>Unit</i>
Adult Daily Living	X	N/A	N/A	X	X	X	S5102		\$59.80	1 Day
Adult Daily Living Services Enhanced	X	N/A	N/A	X	X	X	S5102	U4	\$75.01	1 Day
Adult Daily Living Services Half Day	X	N/A	N/A	X	X	X	S5102	U5	\$29.90	1/2 Day
Community Integration	N/A	N/A	N/A	X	X	X	97537		\$6.54	15 Minutes
Financial Management Services	X	X	X	X	X	X	W7341		\$85.00	1 Month
Financial Management Services Start Up	X	X	X	X	X	X	W7341	U4	\$277.00	1 time
Financial Management Services My Way	X	X	X	X	X	X	W7341	U2	\$85.00	1 month
Home Health Aide	X	N/A	N/A	N/A	N/A	N/A	T2025		\$5.38	15 Minutes
Home Health—Nursing (LPN)	X	N/A	N/A	X	X	X	T1003	SE	\$11.02	15 Minutes
Home Health—Nursing (RN)	X	N/A	N/A	X	X	X	T1002	SE	\$16.55	15 Minutes
Home Health—Occupational Therapy	X	N/A	N/A	X	X	X	T2025	GO	\$21.29	15 Minutes
Home Health—Occupational Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GO U4	\$14.48	15 Minutes
Home Health—Physical Therapy	X	N/A	N/A	X	X	X	T2025	GP	\$20.20	15 Minutes

HCBS Fee Schedule Rates (Region 4)										
Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver. In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 4</i>	<i>Unit</i>
Home Health—Physical Therapy—Assist.	X	N/A	N/A	X	X	X	T2025	GP U4	\$11.51	15 Minutes
Home Health—Speech & Language Therapy	X	N/A	N/A	X	X	X	T2025	GN	\$21.72	15 Minutes
PAS (Agency)	X	X	X	X	X	X	W1793		\$4.78	15 Minutes
PAS (Consumer)	X	X	X	X	X	X	W1792		\$3.93	15 Minutes
PAS (CSLA)	N/A	N/A	N/A	N/A	X	X	W1793	TT	\$4.97	15 Minutes
Prevocational Services	N/A	N/A	N/A	X	N/A	X	W6107		\$6.54	15 Minutes
Residential Habilitation 1-3	N/A	N/A	N/A	X	N/A	X	W0100		\$264.15	24 Hours
Residential Habilitation 1-3 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0101	U4	\$19.79	1 Hour
Residential Habilitation 1-3 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0101	U5	\$39.58	1 Hour
Residential Habilitation 4-8	N/A	N/A	N/A	X	N/A	X	W0102		\$247.67	1 Day
Residential Habilitation 4-8 Supp 1:1	N/A	N/A	N/A	X	N/A	X	W0103	U4	\$19.62	1 Hour
Residential Habilitation 4-8 Supp 2:1	N/A	N/A	N/A	X	N/A	X	W0103	U5	\$39.23	1 Hour
Respite (Agency)	X	N/A	N/A	X	X	X	T1005		\$4.78	15 Minutes
Respite (Consumer)	X	N/A	N/A	X	X	X	S5150		\$3.93	15 Minutes
Service Coordination	X	X	X	X	X	X	W1011		\$15.38	15 Minutes
Structured Day Habilitation Group	N/A	N/A	N/A	X	N/A	X	W0104		\$34.56	1 Hour
Structured Day Habilitation 1:1	N/A	N/A	N/A	X	N/A	X	W0105	U4	\$19.62	1 Hour
Structured Day Habilitation 2:1	N/A	N/A	N/A	X	N/A	X	W0105	U5	\$39.23	1 Hour
Supported Employment	N/A	N/A	N/A	X	X	X	W6106		\$40.68	1 Hour
Thera & Couns Svcs (Behavior Therapy)	N/A	N/A	N/A	X	X	X	H2019		\$20.79	15 Minutes
Thera & Couns Svcs (Cognitive Rehabilitation)	N/A	N/A	N/A	X	X	X	97532	SE	\$14.12	15 Minutes

HCBS Fee Schedule Rates (Region 4)										
Notes: Aging = Aging Waiver; Attendant Care = Attendant Care Waiver; CC = COMMCARE Waiver; IW = Independence Waiver; OW = OBRA Waiver. In facility respite will be reimbursed at the nursing facility's case-mix per diem rate.										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region 4</i>	<i>Unit</i>
Thera & Couns Svcs (Counseling Svcs)	X	N/A	N/A	X	X	X	H0004		\$11.83	15 Minutes
Thera & Couns Svcs (Nutritional Counseling)	X	N/A	N/A	X	X	X	S9470	AE U4	\$13.77	15 Minutes
Transition Service Coordination	X	X	N/A	X	X	X	W7337		\$10.00	15 Minutes
Telecare Equipment Installation and Removal	X	N/A	N/A	N/A	N/A	N/A	W2024		\$90.00	One Time
Telecare Activity and Sensor Monitoring Ongoing	X	N/A	N/A	N/A	N/A	N/A	W9006		\$80.00	Monthly
Telecare Equipment Installation and Removal with Training	X	N/A	N/A	N/A	N/A	N/A	W2025		\$200.00	One Time
Telecare Health Status Measuring and Monitoring Remote	X	N/A	N/A	N/A	N/A	N/A	T2025	GT	\$10.00	Per Day
Telecare Medication Dispensing and Monitoring	X	N/A	N/A	N/A	N/A	N/A	S5185	32	\$50.00	Monthly

Vendor Goods or Services

The Department will pay an Organized Health Care Delivery System or provider for the actual cost of a vendor good or service listed in this notice when rendered to an enrolled waiver participant. A vendor good or service is an item that is not on the MA fee schedule and is purchased by a Department-approved Organized Health Care Delivery provider and provided to an enrolled waiver participant. The payment may not exceed the amount for similar vendor goods or services charged to the general public. See 55 Pa. Code § 52.51.

The following table provides:

- The vendor goods and services that qualify for payment by the Department to an enrolled provider.
- The procedure codes for vendor goods or services.
- A crosswalk of vendor goods or services to waivers and Act 150 Program.

Vendor Goods and Services										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region</i>	<i>Unit</i>
Accessibility Adaptations (<\$6000)	X	N/A	N/A	X	X	X	W7008		N/A	Per Purchase
Accessibility Adaptations (>\$6000)	X	N/A	N/A	X	X	X	W7009		N/A	Per Purchase
Community Transition Svcs (Health Safety)	X	X	N/A	X	X	X	W7336		N/A	One Time

Vendor Goods and Services										
<i>Service</i>	<i>Aging</i>	<i>Attendant Care</i>	<i>ACT 150</i>	<i>CC</i>	<i>IW</i>	<i>OW</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Region</i>	<i>Unit</i>
Community Transition Svcs (House Hold Suppl)	X	X	N/A	X	X	X	W7332		N/A	One Time
Community Transition Svcs (Moving Expenses)	X	X	N/A	X	X	X	W7333		N/A	One Time
Community Transition Svcs (Security Deposit)	X	X	N/A	X	X	X	W7334		N/A	One Time
Community Transition Svcs (Set-Up Fees)	X	X	N/A	X	X	X	W7335		N/A	One Time
Durable Medical Equipment and Supplies	X	N/A	N/A	X	X	X	T2029		N/A	Per Purchase
Home Delivered Meals-Emergency Pack	X	N/A	N/A	N/A	N/A	N/A	W1762		N/A	Per Purchase
Home Delivered Meals-Frozen Entrée	X	N/A	N/A	N/A	N/A	N/A	W1760		N/A	Per Purchase
Home Delivered Meals-Hot Entrée	X	N/A	N/A	N/A	N/A	N/A	W1759		N/A	Per Purchase
Home Delivered Meals-Sandwich	X	N/A	N/A	N/A	N/A	N/A	W1761		N/A	Per Purchase
Home Delivered Meals-Special Meal	X	N/A	N/A	N/A	N/A	N/A	W1764		N/A	Per Purchase
Non-medical Transportation	X	N/A	N/A	X	X	X	W6110		N/A	Per Month
Participant-Directed Community Supports	X	X	N/A	N/A	N/A	N/A	W1900		N/A	Per Purchase
Participant-Directed Goods and Services	X	X	N/A	N/A	N/A	N/A	W1901		N/A	Per Purchase
Personal Emergency Response System (Installation)	X	X	X	X	X	X	W1894		N/A	Per Purchase
Personal Emergency Response System (Monthly Maintenance)	X	X	X	X	X	X	W1895		N/A	Per Purchase
Telecare Specialized Supplies DME for Remote Monitoring	X	N/A	N/A	N/A	N/A	N/A	T2029	GT	N/A	Per Purchase
Telecare Specialized Supplies for Remote Monitoring	X	N/A	N/A	N/A	N/A	N/A	T2028	GT	N/A	Per Purchase

Fiscal Impact

The Department anticipates that these changes will ensure that the Department's expenditures do not exceed the aggregate amount appropriated by the General Assembly in Fiscal Year 2011-2012.

Public Comment

Interested persons are invited to submit written comments regarding this notice within 30 days of its publication to the Department of Public Welfare, Office of Long-Term Living, Attention: Yvette Sanchez-Roberts, 555 Walnut Street, Fifth Floor, Harrisburg, PA 17101-1919. Comments can also be sent to RA-oltstreamlining@pa.gov. Comments will be considered in subsequent revisions to the fee schedule and list of vendor goods or services.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-761. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1058. Filed for public inspection June 8, 2012, 9:00 a.m.]

Renewal of SelectPlan for Women Family Planning Section 1115 Demonstration Waiver

The Department of Public Welfare (Department) announces its intent to renew the Commonwealth's Demonstration Waiver under section 1115 of the Social Security Act (42 U.S.C.A. § 1315) for family planning services, known as SelectPlan for Women.

Discussion

In May 2007, the Department received approval from the Centers for Medicare and Medicaid Services (CMS) for the Commonwealth's Family Planning Section 1115 Demonstration Waiver, known as SelectPlan for Women, from June 1, 2007, through May 31, 2012. On February 1, 2008, the Department issued Medical Assistance (MA) Bulletin 01-08-02, "Implementation of SelectPlan for Women," announcing implementation of the program. SelectPlan for Women provides coverage of selected family planning services, pharmaceuticals and supplies for women who are not otherwise eligible for MA and are at or below 185% of the Federal Poverty Level.

The Department sought approval of the waiver for the purpose of improving access to and use of family planning services among women who are not eligible for MA. The Department has evaluated the effectiveness of the waiver and found an overall decrease in the rate of births under the MA Program since SelectPlan for Women was implemented, resulting in lower MA Program costs for maternity and newborn services. Therefore, the Department has made the decision to request approval from CMS to renew the waiver.

The Department intends to renew the SelectPlan for Women Family Planning Section 1115 Demonstration Waiver for the period beginning June 1, 2012, through December 31, 2013. The Department is not changing the scope of services covered under the waiver or conditions for eligibility. With this renewal, the Department will continue to cover selected family planning services, pharmaceuticals and supplies, for women who:

- Are between 18 years of age and 44 years of age.
- Are residents of this Commonwealth.
- Are United States citizens or have satisfactory immigration status.
- Have no or limited family planning insurance coverage.
- Are not otherwise eligible for MA.

- Are not pregnant or sterilized.
- Have income at or below 185% of the Federal Poverty Level.

More information about SelectPlan for Women and the specific services provided can be found on the Department's web site at www.selectplanforwomen.com.

Fiscal Impact

The renewal of the SelectPlan for Women Waiver is intended to be budget neutral; therefore, there is no anticipated fiscal impact.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120, ra-PWSelectPlanRenew@pa.gov. Comments received within 30 days will be reviewed and considered in the completion of the waiver renewal application.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,
Secretary

Fiscal Note: 14-NOT-757. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 12-1059. Filed for public inspection June 8, 2012, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Project Delivery makes the following finding:

The Department of Transportation (Department) plans to relocate a waterline serving Washington's Landing, previously known as Herr's Island, from its existing

location on the 31st Street Bridge in the City of Pittsburgh, Allegheny County, to a new location through the back channel of the Allegheny River adjacent to Washington's Landing. To relocate the waterline, a temporary crossing of the North Shore Trail and the Three Rivers Water Trail, both Section 2002 resources, will be required.

The Department will monitor and maintain bicycle and pedestrian traffic on the North Shore Trail by using safety personnel/flaggers when motor vehicles and equipment cross the trail. The Department will also monitor and maintain boat traffic on the Three Rivers Water Trail by implementing an Aids to Navigation plan.

No adverse environmental effect is likely to result from the proposed action.

R. WAYNE WILLEY, P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 12-1060. Filed for public inspection June 8, 2012, 9:00 a.m.]

Finding

Allegheny County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Project Delivery makes the following finding:

The Department of Transportation (Department) plans to replace the existing bridge carrying SR 0885, known as Lebanon Road, over the Union Railroad line in West Mifflin Borough, Allegheny County. Work will consist of the bridge replacement, installation of approach slabs, updating guiderail connections to the new parapets and minor paving at the new bridge approaches. The new structure and approach roadway will be built to accommodate future widening of SR 0885 to four lanes. As part of the project, a gravel driveway serving the adjacent Allegheny County Airport will be relocated approximately 30 feet to improve sight distance. The Union Railroad line and the Allegheny County Airport are National Register eligible resources.

The Department will prohibit the contractor from staging or storing materials or equipment within the property of the railroad and all work will be completed within the existing and purchased right-of-way. A notice to contractor to this effect will be included in the project.

No adverse environmental effect is likely to result from the proposed action.

R. WAYNE WILLEY, P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 12-1061. Filed for public inspection June 8, 2012, 9:00 a.m.]

Finding

Westmoreland County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the bridge that carries SR 4019 over Conrail/Norfolk Southern Railroad (formerly Pennsylvania Railroad Mainline) in North Huntington Township, Westmoreland County. Therefore, this project will require the use of the bridge, which is a Contributing Resource to the Pennsylvania Railroad Mainline and acquisition of Right-of-Way from the Railroad, which is eligible for the National Register of Historic Places, and therefore, qualifies as a Section 4(f)/Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with an "Individual Section 4(f) Evaluation" document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE and the Individual Section 4(f) Evaluation.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 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.

R. WAYNE WILLEY, P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 12-1062. Filed for public inspection June 8, 2012, 9:00 a.m.]

Finding

York County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Acting Director of the Bureau of Project Delivery as delegated by the Secretary of Transportation makes the following written finding:

The Department of Transportation (Department) is planning the replacement of the superstructure of the existing bridge carrying SR 2019 (South Broad Street/Yorkana Road) over Kreutz Creek in Hallam Borough, York County. Included as part of the project is the reconstruction of abutment caps and pier cap, minor repair to the existing pier and abutments, approach roadway reconstruction, guide rail updates, removal of stream deposits within 50 feet of the structure and placement of rock scour protection. The project will be constructed under a detour.

The proposed project will require the use of land from the Clayton Eli Emig Memorial Park, which is a publicly owned park located on the northeast quadrant of the proposed bridge rehabilitation. The proposed project will require the use of 0.04 acre from the park for permanent right-of-way and will also require a temporary construction easement of 657.8 square feet for contractor access. This minor right-of-way acquisition and temporary construction easement will have no impact on the recreational activities, features or attributes of the larger (21.6 acres) park property.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Categorical Exclusion Evaluation, Bridge and Roadway Programmatic Agreement (CEE, BRPA) has been developed for the subject project along with a "Determination of Section 4(f) De Minimus Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land, and State Game Land" form to evaluate the potential environmental impacts caused by the subject project. The Section 4(f) document also serves as the Section 2002 Evaluation.

The approved documents are available in the CE/EA Expert System. The environmental, economic social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resource for the proposed action. Measures will be taken to minimize harm as stipulated in the CEE, BRPA.

R. WAYNE WILLEY, P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 12-1063. Filed for public inspection June 8, 2012, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Meeting Cancellation

The June 19, 2012, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, July 17, 2012, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The agenda and meeting materials for the July 17, 2012, meeting will be available on the Department of Environmental Protection's web site at <http://www.dep.state.pa.us> (Select "Public Participation;" "Public Participation Center").

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or mtate@pa.gov.

MICHAEL L. KRANCER,
Chairperson

[Pa.B. Doc. No. 12-1064. Filed for public inspection June 8, 2012, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-70	Pennsylvania Liquor Control Board Office of Administrative Law Judge; Payment of Fees and Fines 42 Pa.B. 1504 (March 24, 2012)	4/23/12	5/23/12

Pennsylvania Liquor Control Board Regulation #54-70 (IRRC #2936)

Office of Administrative Law Judge; Payment of Fees and Fines

May 23, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the March 24, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

Section 15.61. Fines.—Implementation procedures; Clarity.

This section lists the acceptable forms of payment of fines by licensees to the Office of Administrative Law Judge (OALJ) within the Board.

This section permits a licensee to pay a fine with a "treasurer's check." The Board should explain why a treasurer's check was not also included in Section 15.24(b), which establishes the appropriate payment methods for filing fees.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1065. Filed for public inspection June 8, 2012, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 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 a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5122	State Board of Nursing IV Therapy Functions for Licensed Practical Nurses	5/30/12	7/19/12
16A-54	Bureau of Professional and Occupational Affairs Schedule of Civil Penalties—Engineers, Land Surveyors and Geologists	5/30/12	7/19/12
125-144	Pennsylvania Gaming Control Board Employee and Horsemen's Organization Revisions	5/30/12	7/19/12
<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5428	State Board of Pharmacy Electronic Prescribing of Controlled Substances	5/30/12	7/19/12

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 12-1066. Filed for public inspection June 8, 2012, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of Proposed Merger of American Millers Insurance Company with and into Penn Millers Insurance Company

American Millers Insurance Company, a domestic stock property and casualty insurance company, has filed an application for approval to merge with Penn Millers Insurance Company, a domestic stock property and casualty insurance company, with Penn Millers Insurance Company surviving the merger. The filing was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413); 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets); and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21404).

Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerberger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1067. Filed for public inspection June 8, 2012, 9:00 a.m.]

State Farm Fire and Casualty Company; Private Passenger Automobile; Rate and Rule Revisions

On May 21, 2012, the Insurance Department (Department) received from State Farm Fire and Casualty Company a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The company requests an overall 0.7% increase amounting to \$631,599, to be effective on December 3, 2012. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to July 20, 2012, 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.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1068. Filed for public inspection June 8, 2012, 9:00 a.m.]

State Farm Mutual Automobile Insurance Company; Private Passenger Automobile; Rate and Rule Revisions

On May 21, 2012, the Insurance Department (Department) received from State Farm Mutual Automobile Insurance Company a filing for a proposed rate level and rule change for Private Passenger Auto insurance.

The company requests an overall 0.8% increase amounting to \$10,139,671, to be effective on December 3, 2012. This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.

Unless formal administrative action is taken prior to July 20, 2012, 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.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 12-1069. Filed for public inspection June 8, 2012, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of Act 129 of 2008

Implementation of Act 129 of 2008: Total Resource Cost (TRC) Test—2012; Doc. No. M-2012-2300653 (May 25, 2012)

Implementation of Act 129 of 2008: Phase II of Act 129; Doc. No. M-2009-2108601 (May 25, 2012)

Act 129 of 2008 directs use of the TRC test to analyze costs and benefits of energy efficiency and conservation (EE&C) plans that certain jurisdictional electric distribution companies (EDCs) are required to file under Act 129. The PA TRC Test was first adopted in 2009 and revised in 2011. A tentative order at these dockets was entered on May 25, 2012, seeking comments on proposed refinements to the PA TRC test for use should an Act 129 Phase II be adopted requiring further EE&C plans from the EDCs.

A copy of the 2012 PA TRC Test tentative order was served on the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation and Enforcement, all jurisdictional EDCs, all licensed electric generation suppliers, the Department of Environmental Protection and all parties who commented on the 2011 PA TRC Test Order, Doc. No. M-2009-2108601 (August 2, 2011). Interested parties may file comments on or before 20 days after publication of this notice in the *Pennsylvania Bulletin* or by June 29, 2012, whichever is later. Reply comments are due on or before 10 days after comments are due or by July 9, 2012, whichever is later. An original and three copies of the comments must be

filed referencing Doc. No. M-2012-2300653 with the Pennsylvania Public Utility Commission, Attention: Secretary, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments and reply comments must be electronically mailed in Microsoft Word document format to Laura Fusare Edinger at ledinger@pa.gov and Louise Fink Smith at finksmith@pa.gov. Attachments may not exceed 3 megabytes. The 2012 PA TRC Test tentative order, the proposed PA TRC Test for Phase II of Act 129 and all filed comments and reply comments related to the tentative order will be published on the Pennsylvania Public Utility Commission's web site. (Go to <http://www.puc.state.pa.us/general/search.aspx> and use the Search feature for Doc. No. M-2012-2300653.)

The contact person for technical issues related to the 2012 tentative order and the proposed PA TRC Test for Phase II of Act 129 is Laura Fusare Edinger, Bureau of Technical Utility Services, (717) 783-1555, ledinger@pa.gov.

The contact person for legal and process issues related to this tentative order and the proposed PA TRC for Phase II of Act 129 is Louise Fink Smith, Law Bureau, (717) 787-5000, finksmith@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1070. Filed for public inspection June 8, 2012, 9:00 a.m.]

Pipeline Assets

A-2012-2307013 and A-2012-2307015. MIPC, LLC and Phillips 66 Pipeline, LLC. Joint application of MIPC, LLC and Phillips 66 Pipeline, LLC for Pennsylvania Public Utility Commission (Commission) approval of: 1) the transfer of petroleum products pipeline assets of Phillips 66 Pipeline, LLC to MIPC, LLC; 2) the abandonment of all Commonwealth regulated services by Phillips 66 Pipeline, LLC; 3) the intrastate transportation or conveyance of crude oil, gasoline or petroleum products by MIPC, LLC; and 4) all other approvals or certificates appropriate or necessary under 66 Pa.C.S. (relating to Public Utility Code) to complete the transactions described in the application.

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 June 18, 2012. 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, on the Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: MIPC, LLC and Phillips 66 Pipeline, LLC

Through and By Counsel for Phillips 66 Pipeline, LLC: Paul F. Forshey, Esquire, David L. Wochner, Esquire, Sandra E. Safro, Esquire, Sutherland, Asbill, & Brennan, LLP, 1275 Pennsylvania Avenue, NW, Washington, DC 20004

Through and By Counsel for MIPC, LLC: Robert A. Weishaar, Jr., McNees, Wallace & Nurick, LLC, 777 North Capitol Street, NE, Suite 401, Washington, DC 20002

Adeolu A. Bakare, Esquire, McNeese, Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 12-1071. Filed for public inspection June 8, 2012, 9:00 a.m.]

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge

Public Meeting held
May 24, 2012

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

Recalculation of the Pennsylvania Telecommunications Relay Service Surcharge; M-2012-2281401; M-00900239

Order

By the Commission:

Pursuant to our May 29, 1990 Order at Docket No. M-00900239 establishing the Pennsylvania Telephone Relay Service (Relay)¹ and surcharge funding mechanism (TRS surcharge) and subsequent legislation,² we have completed the annual recalculation of the TRS surcharge as it will apply to residence and business wireline access lines for July 1, 2012, through June 30, 2013. The monthly residential and business monthly access line surcharge will remain set at \$0.08.

Background

The annual TRS recalculation is dependent on data from several sources. Local Exchange Carriers (LECs)³ submitted annual wireline access line counts per 52 Pa. Code § 63.37. The Relay Provider, AT&T Communications of Pennsylvania, LLC, submitted the estimated minutes of use and charges for July 1, 2012, through June 30, 2013. Hamilton Telecommunications submitted the estimated minutes of use report for the captioned telephone relay service (CTRS). The Deputy Executive Director of the Office of Vocational Rehabilitation (OVR) in the Department of Labor and Industry submitted the 2012-2013 TDDP budget and the 2012-2013 PMASP budget. The surcharge also funds the TRS Advisory Board activities and Fund administration costs. U.S. Bank,⁴ the Fund Administrator, provided a statement of the financial status of the Fund.⁵

¹ Additional information on TRS may be found at http://www.puc.state.pa.us/telecom/telecom_relay_service.aspx

² See Act 34 of 1995, 35 P.S. §§ 6701.1—6701.4 (the statutory provisions were amended by Act 181 of 2002 to be more inclusive of persons with disabilities), establishing the Telephone Device Distribution Program (TDDP) to be funded by the TRS surcharge and which codified Relay and use of the TRS surcharge funding mechanism; and Act 174 of 2004, 35 P.S. § 6701.3a, which established the Print Media Access System Program (PMASP) to be funded in part by the TRS surcharge. PMASP is a reading service for persons with certain vision and physical disabilities. The law is now called the "Universal Telecommunications and Print Media Access Act."

³ LEC includes both incumbent and competitive local exchange carriers. 190 LECs submitted access line count data as required. Some LECs had not submitted access line counts as of the date of preparation of this order; therefore, access line counts are estimated for surcharge calculation purposes. Noncompliant LECs are referred to the Commission's Bureau of Investigation & Enforcement.

⁴ As a result of mergers, acquisitions, and name changes, Fund administration has been handled by Hamilton Bank (1990), CoreStates Bank N.A. (1995), First Union National Bank (1999), Wachovia Bank, N.A. (2002), and U.S. Bank Institutional Trust & Custody (2006).

⁵ Separate accounts are maintained for the portions of the surcharge allocated to Relay, TDDP, and PMASP. Relay Advisory Board, CTRS, and outreach activities are funded from the Relay account; Fund administration draws from each respective account.

Calculation for 2012—2013

Wireline access lines reported by LECs for 2011 and adjusted for Centrex lines are 6,086,670 (4,048,612 Residence and 2,038,058 Business). Based upon the number of access lines, projected program costs (Relay, CTRS, TDDP, and PMASP), anticipated Relay Advisory Board expenses, TRS Fund administration costs, and the financial status of the TRS Fund, the 2012-2013 monthly TRS surcharge rate for both residence and business access lines will continue to be set at \$0.08 per month. All LECs shall continue to remit TRS surcharge revenues to the Fund Administrator.⁶ Since the 2012-2013 surcharge remains the same as the 2011-2012 rate of \$0.08, tariff supplements are not required.

Effective July 1, 2012, the monthly surcharge allocation for each fund account is as follows:⁷

	2012-2013 Monthly Surcharge Percentage	
	Residence %	Business %
Relay	93.0	93.0
TDDP	4.0	4.0
PMASP	3.0	3.0
Total Percentage	100.0	100.0

Operations for 2012—2013

We shall continue our active oversight of the operations of the Pennsylvania Relay, (traditional, speech-to-speech, and captioned telephone). Further, in accordance with 35 P.S. §§ 6701.3a & 4, we shall continue to collaborate with OVR and its TDDP administrator⁸ to ensure adequate funding for distribution of TDDP equipment to low-income households. Further, we shall continue to assist OVR in its mission to ensure adequate funding for PMASP.

Audits

On May 29, 2003, the Commission authorized an audit of the TRS fund. The scope of this audit was expanded to include additional fiscal periods. On August 7, 2003, a Commission Secretarial Letter required AT&T Communications of Pennsylvania, LLC, to file, on or before May 1st of each year, a Statement of Actual Underlying Costs of the PA TRS for the prior completed period of July 1 through June 30. The Bureau of Audits could not complete this audit because AT&T could not produce adequate supporting documentation to the submitted statements. The Bureau of Audits did issue a report April 6, 2011, at Docket No. D-2009-2090893, that disclaimed an opinion on the submitted statements due to reasons discussed in the audit report. Audits could not state that the statements presented fairly, in all material respects, the underlying costs of the TRS rates.

Also, the Bureau of Audits did complete the audit on the Telecommunications Device Distribution Program and Print Media Access Program for the twelve-month period ended June 30, 2009 and June 30, 2008. The audits of the TDDP and PMASP for the twelve-month period ended June 30, 2011 and June 30, 2010 are currently in progress.

⁶ U.S. Bank Institutional Trust & Custody, Attn: Sue Massey, EX-PA-WBSP, 50 South 16th Street, 20th Floor, Philadelphia, PA 19102, payable to the "PA Relay Service Fund" and designated for Relay. Wire instructions can be found on the remittance form.

⁷ The TRS surcharge appears as a single line item on customers' bills but actually has three components (Relay TDDP and PMASP).

⁸ As of January 1, 2007, the TDD program is administered by Pennsylvania's Initiative on Assistive Technology (PIAT), Institute on Disabilities, Temple University (IDT).

Conclusion

The Commission has completed the annual recalculation of the TRS Surcharge. The surcharge to be applied beginning July 1, 2012 through June 30, 2013 will remain at \$0.08 for residential and business access lines; *Therefore,*

It Is Ordered That:

1. For the period of July 1, 2012 through June 30, 2013 the monthly TRS surcharge rate shall be \$0.08 for residence and business, unless we take further action to revise the TRS surcharge prior to June 30, 2013.

2. All local exchange carriers are directed to use the attached form to remit the monthly TRS surcharge collections to U.S. Bank, Institutional Trust & Custody. All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly by the 20th of each month.

3. A copy of this Order be served upon all local exchange carriers, AT&T Communications Company of Pennsylvania, LLC, Hamilton Telecommunications, U.S. Bank Institutional Trust & Custody, the Office of Vocational Rehabilitation in the Department of Labor and Industry, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Pennsylvania Telephone Association.

4. A copy of this Order be published in the *Pennsylvania Bulletin*.

5. A copy of this Order be posted to the Commission's website.

ROSEMARY CHIAVETTA,
Secretary

REMITTANCE FORM FOR MONTHLY TRS SURCHARGE COLLECTIONS

Effective July 1, 2012 through June 30, 2013
M-2012-2281401

All local exchange carriers are required to collect and remit the TRS surcharge revenue monthly, by the 20th of each month using the following format for the monthly remittance:

Pennsylvania TRS Surcharge

For the Month Ending _____

Number of Residential access lines _____
 X \$0.08 per line _____

Allocated:
 TRS Relay 93.0 percent _____
 TDDP 4.0 percent _____
 PMASP 3.0 percent _____

Number of Business access lines _____
 X \$0.08 per line _____

Allocated:
 TRS Relay 93.0 percent _____
 TDDP 4.0 percent _____
 PMASP 3.0 percent _____

Total Remittance _____

Make check payable to: Pennsylvania TRS Fund

Mail Report and payment to:	<i>Wire Instructions:</i>
U.S. Bank Institutional Trust & Custody Sue Massey EX-PA-WBSP 50 South 16th Street, 20th Floor Philadelphia, PA 19102	BANK U.S. Bank N.A ADDRESS 60 Livingston Avenue, St Paul MN 55107-2292 ABA 091 000 022 BNF ITC Depository South & East ACCOUNT 173 103 781 832 OBI PA Relay ATTN: Sue Massey

Remittance for: Company Name(s): _____
 Contact Person: _____
 Voice Phone Number: (____) _____ FAX: (____) _____
 E-mail address _____

Authorized Signature: _____ *Date:* _____

Please direct any questions regarding the TRS Surcharge remittance to Mr. Eric Jeschke at (717) 783-3850 or ejeschke@pa.gov.

[Pa.B. Doc. No. 12-1072. Filed for public inspection June 8, 2012, 9:00 a.m.]

STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.
Donna Redington, t/d/b/a Maneline Hair Studio;
Doc. No. 0300-45-09**

On March 15, 2012, Donna Redington, t/d/b/a Maneline Hair Studio, license no. CB118423, of East Stroudsburg, Monroe County, was levied a civil penalty of \$500 for acting in a grossly incompetent and unethical manner by soliciting and permitting the application of permanent make-up within the square footage of a licensed salon.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649

This adjudication and final order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY LOU ENOCHES,
Chairperson

[Pa.B. Doc. No. 12-1073. Filed for public inspection June 8, 2012, 9:00 a.m.]

NOTICES

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 June 25, 2012. 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.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2012-2292846. Gate Six Holding Company, LLC, t/a Liberty Ambulance (355 Circle of Progress, Pottstown, PA 19464), for the right to begin to transport as a common carrier, persons in paratransit service, from points in the Counties of Berks, Chester and Montgomery to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1760 Market Street, Suite 1100, Philadelphia, PA 19103, (215) 963-1555.

A-2012-2297105. South Shore Limousine, LLC (2501 West 12th Street, Suite 369, Erie, PA 16505) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Erie and Crawford, to points in Pennsylvania, and return.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. J & H Cab Co;
Doc. No. C-2011-2255335; A-00110142*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That J & H CAB CO, Respondent, maintains a principal place of business at 281 Torrey Pine Court, West Chester, PA 19380.
2. That Respondent was issued a certificate of public convenience by this Commission on January 25, 1993, at A-00110142.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth 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 any 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: _____
Michael E. Hoffman, Director

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate rev-

enues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Brag Inc;
Doc. No. C-2011-2255331; A-00108540*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Brag Inc, Respondent, maintains a principal place of business at PO Box 144, Sayre, PA 18840.
2. That Respondent was issued a certificate of public convenience by this Commission on October 19, 1989, at A-00108540.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year

by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Oscar M V Inc;
 Doc. No. C-2011-2255337; A-00110466*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Oscar M V Inc, Respondent, maintains a principal place of business at 107 East Mentor Street, Philadelphia, PA 19120.

2. That Respondent was issued a certificate of public convenience by this Commission on October 21, 1992, at A-00110466.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts

above set forth 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 any 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: _____
 Michael E. Hoffman, Director

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Malik & Singh Cab Co;
Doc. No. C-2011-2255340; A-00110998

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Malik & Singh Cab Co, Respondent, maintains a principal place of business at 16 Oakley Road, Upper Darby, PA 19082.
2. That Respondent was issued a certificate of public convenience by this Commission on November 9, 1993, at A-00110998.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of

circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
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 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Wemakeen Inc;
Doc. No. C-2011-2255552; A-00111380

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Wemakeen Inc, Respondent, maintains a principal place of business at 7325 Grant Street, Pennsauken, NJ 08109.

2. That Respondent was issued a certificate of public convenience by this Commission on October 30, 1994, at A-00111380.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Jean & Serge Cab Co;
Doc. No. C-2011-2255553; A-00111502*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Jean & Serge Cab Co, Respondent, maintains a principal place of business at 6533 Linmore Avenue, Philadelphia, PA 19142.

2. That Respondent was issued a certificate of public convenience by this Commission on July 25, 1995, at A-00111502.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Saint Cab Inc;
Doc. No. C-2011-2255559; A-00112474*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Saint Cab Inc, Respondent, maintains a principal place of business at 5020 Saul Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on January 24, 1996, at A-00112474.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

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Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Eyl Cab Co;
Doc. No. C-2011-2255560; A-00112567*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Eyl Cab Co, Respondent, maintains a principal place of business at 7004 Penarth Avenue, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on January 17, 1996, at A-00112567.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

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 Pennsylvania Public Utility Commission
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*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Time Taxi Inc;
 Doc. No. C-2011-2255562; A-00113120*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Time Taxi Inc, Respondent, maintains a principal place of business at 49 Bruce Drive, Holland, PA 18966.

2. That Respondent was issued a certificate of public convenience by this Commission on June 20, 1996, at A-00113120.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Director
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

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 Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Okey Cab Co;
 Doc. No. C-2011-2255563; A-00113277*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Okey Cab Co, Respondent, maintains a principal place of business at 27005 70th Street, Philadelphia, PA 19142.

2. That Respondent was issued a certificate of public convenience by this Commission on November 21, 1996, at A-00113277.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. H & F Cab Co;
Doc. No. C-2011-2255567; A-00113658*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That H & F Cab Co, Respondent, maintains a principal place of business at 7 Golgate Drive, Cherry Hill, NJ 8034.

2. That Respondent was issued a certificate of public convenience by this Commission on February 21, 1997, at A-00113658.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Destination Cab Co;
Doc. No. C-2011-2255568; A-00114007*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Destination Cab Co, Respondent, maintains a principal place of business at 6243 Throtter Street, Philadelphia, PA 19111.
2. That Respondent was issued a certificate of public convenience by this Commission on July 16, 1997, at A-00114007.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 9/23/11 _____

Michael E. Hoffman, Manager

NOTICE

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Pennsylvania Public Utility Commission
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Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Roseline Cab Inc;*
Doc. No. C-2011-2255569; A-00114646

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Roseline Cab Inc, Respondent, maintains a principal place of business at 5532 Miriam Road, Philadelphia, PA 19124.
2. That Respondent was issued a certificate of public convenience by this Commission on April 27, 1998, at A-00114646.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Raymonde Cab Co;
Doc. No. C-2011-2255871; A-00114749*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Raymonde Cab Co, Respondent, maintains a principal place of business at 1461 Mckinley Street, Philadelphia, PA 19149.

2. That Respondent was issued a certificate of public convenience by this Commission on July 10, 1998, at A-00114749.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Director
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Director of the Bureau of Transportation and Safety, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

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Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
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D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Bhamipura Corp;
Doc. No. C-2011-2255872; A-00114878*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Bhamipura Corp, Respondent, maintains a principal place of business at 60 Browning Road, Middletown, DE 19079.

2. That Respondent was issued a certificate of public convenience by this Commission on August 6, 1998, at A-00114878.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

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Pennsylvania Public Utility Commission
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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Little Angels Cab Corp;
Doc. No. C-2011-2255873; A-00114885

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Little Angels Cab Corp, Respondent, maintains a principal place of business at 345 Cupley Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on June 5, 1998, at A-00114885.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: 9/23/11

Michael E. Hoffman, Manager

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Pennsylvania Public Utility Commission
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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Jip Inc;
Doc. No. C-2011-2255875; A-00115294*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Jip Inc, Respondent, maintains a principal place of business at 6437 Emlen Street, Philadelphia, PA 19119.

2. That Respondent was issued a certificate of public convenience by this Commission on November 16, 1998, at A-00115294.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/23/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
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D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

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E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Nargis Cab Co;
Doc. No. C-2011-2255879; A-00115442*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Nargis Cab Co, Respondent, maintains a principal place of business at 6821 Castor Avenue, Philadelphia, PA 19149.

2. That Respondent was issued a certificate of public convenience by this Commission on December 31, 1998, at A-00115442.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Gursharan Cab Co;
Doc. No. C-2011-2255881; A-00115592

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Gursharan Cab Co, Respondent, maintains a principal place of business at 205 Hampden Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on March 12, 1999, at A-00115592.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/23/11_____

Michael E. Hoffman, Manager

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 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
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*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. D N T Cab Co;
 Doc. No. C-2011-2255884; A-00116040*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That D N T Cab Co, Respondent, maintains a principal place of business at 616 N 66th Street, Philadelphia, PA 19151.

2. That Respondent was issued a certificate of public convenience by this Commission on November 16, 1999, at A-00116040.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/29/11_____

Michael E. Hoffman, Manager

NOTICE

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. La Cayenne Cab Co;*
Doc. No. C-2011-2255886; A-00116158

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That La Cayenne Cab Co, Respondent, maintains a principal place of business at 1336 Arrott Street Apt A12A, Philadelphia, PA 19134.

2. That Respondent was issued a certificate of public convenience by this Commission on September 24, 1999, at A-00116158.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: _____9/29/11_____

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. G & V Cab Corp;
Doc. No. C-2011-2255889; A-00116615*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That G & V Cab Corp, Respondent, maintains a principal place of business at 1964 Renovo Street, Philadelphia, PA 19138.
2. That Respondent was issued a certificate of public convenience by this Commission on April 18, 2000, at A-00116615.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

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Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Fatim Inc;
 Doc. No. C-2011-2255890; A-00116657*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Fatim Inc, Respondent, maintains a principal place of business at 310 Tribet Place, Darby, PA 19023.

2. That Respondent was issued a certificate of public convenience by this Commission on April 5, 2000, at A-00116657.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

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VERIFICATION

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. S & V Cab Co;
Doc. No. C-2011-2255891; A-00116863*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That S & V Cab Co, Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.
2. That Respondent was issued a certificate of public convenience by this Commission on June 14, 2000, at A-00116863.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: 9/29/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of

circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Sarajone Cab Co;
Doc. No. C-2011-2255892; A-00116866*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Sarajone Cab Co, Respondent, maintains a principal place of business at 6821 Castor Avenue, Philadelphia, PA 19041.

2. That Respondent was issued a certificate of public convenience by this Commission on June 26, 2000, at A-00116866.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/29/11

Michael E. Hoffman, Manager

NOTICE

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Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Domack Inc;
Doc. No. C-2011-2255896; A-00118354*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Domack Inc, Respondent, maintains a principal place of business at 1507 Lardner Street, Philadelphia, PA 19149.

2. That Respondent was issued a certificate of public convenience by this Commission on December 21, 2001, at A-00118354.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/29/11

Michael E. Hoffman, Manager

NOTICE

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Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Satti Cab Corp;
Doc. No. C-2011-2255897; A-00118357*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Satti Cab Corp, Respondent, maintains a principal place of business at 7122 Pennsylvania Avenue, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 11, 2001, at A-00118357.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/29/11

Michael E. Hoffman, Manager

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Harrisburg, PA 17105-3265

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Stephanie Cab Co;
Doc. No. C-2011-2255899; A-00118480*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Stephanie Cab Co, Respondent, maintains a principal place of business at 100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a certificate of public convenience by this Commission on January 18, 2002, at A-00118480.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to

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Date: _____9/29/11_____

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 Pennsylvania Public Utility Commission
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 Harrisburg, PA 17105-3265

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 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Wlawala Cab Co;
Doc. No. C-2011-2255902; A-00118559

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Wlawala Cab Co, Respondent, maintains a principal place of business at 1100 Spring Garden St, Philadelphia, PA 19123.

2. That Respondent was issued a certificate of public convenience by this Commission on March 27, 2002, at A-00118559.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/29/11_____

Michael E. Hoffman, Manager

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 Pennsylvania Public Utility Commission
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*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Jhaj Inc;
 Doc. No. C-2011-2255906; A-00118840*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Jhaj Inc, Respondent, maintains a principal place of business at 16 Kenmore Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on June 18, 2002, at A-00118840.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

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Date: _____9/29/11_____

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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—
*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. M Sall Inc;*
Doc. No. C-2011-2255907; A-00118995

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That M Sall Inc, Respondent, maintains a principal place of business at 934 Bridge Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on July 11, 2002, at A-00118995.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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.

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Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Iqbal Cab Co;
Doc. No. C-2011-2255908; A-00119357*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Iqbal Cab Co, Respondent, maintains a principal place of business at 128 Marlboro Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on January 14, 2003, at A-00119357.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 9/29/11 _____

Michael E. Hoffman, Manager

NOTICE

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Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Chardi Kala Cab Co;
 Doc. No. C-2011-2255916; A-00120102*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Chardi Kala Cab Co, Respondent, maintains a principal place of business at 125 Wellington Road, Upper Darby, PA 19082.
2. That Respondent was issued a certificate of public convenience by this Commission on October 16, 2003, at A-00120102.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/30/11_____

Michael E. Hoffman, Manager

NOTICE

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 P. O. Box 3265
 Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. New Generation
Taxi Co; Doc. No. C-2011-2255918; A-00120151*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That New Generation Taxi Co, Respondent, maintains a principal place of business at 4746 Spruce Street, Philadelphia, PA 19139.

2. That Respondent was issued a certificate of public convenience by this Commission on January 16, 2004, at A-00120151.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 9/30/11 _____

Michael E. Hoffman, Manager

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Rosemary Chiavetta, Secretary
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Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Prosha Cab Co;
Doc. No. C-2011-2255919; A-00120182*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Prosha Cab Co, Respondent, maintains a principal place of business at 9331 A Baner Street, Philadelphia, PA 19115.

2. That Respondent was issued a certificate of public convenience by this Commission on March 28, 2004, at A-00120182.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

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Harrisburg, PA 17105-3265

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Ali R Inc;*
Doc. No. C-2011-2256021; A-00120445

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Ali R Inc, Respondent, maintains a principal place of business at 1100 Spring Garden Street, Philadelphia, PA 19123.

2. That Respondent was issued a certificate of public convenience by this Commission on March 29, 2004, at A-00120445.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

Michael E. Hoffman, Manager

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Pennsylvania Public Utility Commission
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Mand Cab Co;
Doc. No. C-2011-2256022; A-00120511*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Mand Cab Co, Respondent, maintains a principal place of business at 162 Marlboro Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on March 28, 2004, at A-00120511.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

Michael E. Hoffman, Manager

NOTICE

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Harrisburg, PA 17105-3265

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Kayla Enterprises LTD;
Doc. No. C-2011-2256024; A-00120764*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Kayla Enterprises LTD, Respondent, maintains a principal place of business at 5937 A North Hutchinson Street, Philadelphia, PA 19141.

2. That Respondent was issued a certificate of public convenience by this Commission on June 28, 2004, at A-00120764.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to

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Date: _____9/30/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Jalmana Inc;
Doc. No. C-2011-2256025; A-00120824

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Jalmana Inc, Respondent, maintains a principal place of business at 142 Willow Brook Road, Clifton Heights, PA 19018.

2. That Respondent was issued a certificate of public convenience by this Commission on September 30, 2004, at A-00120824.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/30/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of

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Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Foredul Trans Inc;*
Doc. No. C-2011-2256027; A-00121049

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Foredul Trans Inc, Respondent, maintains a principal place of business at 4308 Chestnut Street Apt 205, Philadelphia, PA 19104.

2. That Respondent was issued a certificate of public convenience by this Commission on September 27, 2004, at A-00121049.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/30/11_____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. GP Cab Co;
Doc. No. C-2011-2256029; A-00121185*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That GP Cab Co, Respondent, maintains a principal place of business at 553 Snow Din Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 21, 2004, at A-00121185.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/30/11_____

Michael E. Hoffman, Manager

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Chhabra Transport Inc;*
Doc. No. C-2011-2256442; A-00121215

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Chhabra Transport Inc, Respondent, maintains a principal place of business at 6710 A Chestnut Street, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on January 12, 2005, at A-00121215.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 9/30/11 _____

Michael E. Hoffman, Manager

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Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Simran Trans Inc;*
Doc. No. C-2011-2256443; A-00121239

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Simran Trans Inc, Respondent, maintains a principal place of business at 146 Glencoe Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on December 21, 2004, at A-00121239.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to

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Date: _____9/30/11_____

Michael E. Hoffman, Manager

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. A S Cab Co;
Doc. No. C-2011-2256444; A-00121240*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That A S Cab Co, Respondent, maintains a principal place of business at 2119 W Passyunk Avenue, Philadelphia, PA 19145.

2. That Respondent was issued a certificate of public convenience by this Commission on January 12, 2005, at A-00121240.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 9/30/11 _____

Michael E. Hoffman, Manager

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Rosemary Chiavetta, Secretary
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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Flomar Cab Co;
Doc. No. C-2011-2256446; A-00121409*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Flomar Cab Co, Respondent, maintains a principal place of business at 44 Poplar Drive, Richboro, PA 18954.

2. That Respondent was issued a certificate of public convenience by this Commission on March 7, 2005, at A-00121409.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement

will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Yafim Cab Company;
Doc. No. C-2011-2256454; A-00106042

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Yafim Cab Company, Respondent, maintains a principal place of business at 1561B Stoney La, Philadelphia, PA 19115.

2. That Respondent was issued a certificate of public convenience by this Commission on February 13, 1986, at A-00106042.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

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B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Eagle Limousine & Motorcoach Inc; Doc. No. C-2011-2256455; A-00110753

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Eagle Limousine & Motorcoach Inc, Respondent, maintains a principal place of business at 10 Malin Road, Malvern, PA 19355-1734.

2. That Respondent was issued a certificate of public convenience by this Commission on August 12, 1993, at A-00110753.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 9/30/11

Michael E. Hoffman, Manager

NOTICE

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Rosemary Chiavetta, Secretary
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P. O. Box 3265
Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Robert E Brenner Jr;
Doc. No. C-2011-2256464; A-00115770*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Robert E Brenner Jr, Respondent, maintains a principal place of business at 566A East Main Street, New Holland, PA 17557.

2. That Respondent was issued a certificate of public convenience by this Commission on May 24, 1999, at A-00115770.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____10/4/11_____

Michael E. Hoffman, Manager

NOTICE

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. KNJ Limo Services;
Doc. No. C-2011-2256672; A-00116842

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That KNJ Limo Services, Respondent, maintains a principal place of business at 1506 Wistar Drive, Wyncote, PA 19095.

2. That Respondent was issued a certificate of public convenience by this Commission on February 7, 2001, at A-00116842.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____10/4/11_____

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 Harrisburg, PA 17105-3265

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Southern Blair Emer Med SVC Inc; Doc. No. C-2011-2256674; A-00116925

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Southern Blair Emer Med SVC Inc, Respondent, maintains a principal place of business at PO Box 594, Claysburg, PA 16625.

2. That Respondent was issued a certificate of public convenience by this Commission on April 10, 2001, at A-00116925.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 10/4/11

Michael E. Hoffman, Manager

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 Pennsylvania Public Utility Commission
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Bureau of Investigation and Enforcement
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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Gary J Marbella;
Doc. No. C-2011-2256678; A-00119038*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Gary J Marbella, Respondent, maintains a principal place of business at 104 Malcolm Avenue, Pittsburgh, PA 15212.

2. That Respondent was issued a certificate of public convenience by this Commission on July 16, 2003, at A-00119038.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: _____10/4/11_____

Michael E. Hoffman, Manager

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*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Carol A Deberardinis;
Doc. No. C-2011-2256680; A-00119298*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Carol A Deberardinis, Respondent, maintains a principal place of business at 3831 Kelly Hollow Road, Monongahela, PA 15063.
2. That Respondent was issued a certificate of public convenience by this Commission on September 5, 2003, at A-00119298.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 10/4/11 _____

Michael E. Hoffman, Manager

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of

Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Accurate Transportation
 LLC; Doc. No. C-2011-2256684; A-00120433*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Accurate Transportation LLC, Respondent, maintains a principal place of business at 5200 Hilltop Drive G-4, Brookhaven, PA 19015.
2. That Respondent was issued a certificate of public convenience by this Commission on May 5, 2005, at A-00120433.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____10/6/11_____

Michael E. Hoffman, Manager

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 Pennsylvania Public Utility Commission
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. A & D Limousine Service Inc; Doc. No. C-2011-2256685; A-00120554

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That A & D Limousine Service Inc, Respondent, maintains a principal place of business at 3070 Bristol Pike Bldg 2Suite 120, Bensalem, PA 19020.

2. That Respondent was issued a certificate of public convenience by this Commission on April 5, 2006, at A-00120554.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____ 10/6/11 _____

Michael E. Hoffman, Manager

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
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F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Ellas Limo Inc;
Doc. No. C-2011-2256688; A-00121390

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Ellas Limo Inc, Respondent, maintains a principal place of business at 371 Avon Street, Philadelphia, PA 19111.

2. That Respondent was issued a certificate of public convenience by this Commission on September 9, 2005, at A-00121390.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 10/6/11

Michael E. Hoffman, Manager

NOTICE

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Harrisburg, PA 17105-3265

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will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Alternative Transport LLC; Doc. No. C-2011-2259842; A-00121955

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Alternative Transport LLC, Respondent, maintains a principal place of business at 660 13th Avenue Bldg 1, Prospect Park, PA 19076.

2. That Respondent was issued a certificate of public convenience by this Commission on May 15, 2006, at A-00121955.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 10/6/11

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Barry C Jackson;
Doc. No. C-2011-2259845; A-00122042

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Barry C Jackson, Respondent, maintains a principal place of business at 2208 Noras Court, N. Wales, PA 19454.

2. That Respondent was issued a certificate of public convenience by this Commission on January 30, 2006, at A-00122042.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an

assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: 10/6/11

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Eagle Transportation SVCS Inc; Doc. No. C-2011-2259852; A-00122217

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Eagle Transportation SVCS Inc, Respondent, maintains a principal place of business at 77 McCullough Drive, New Castle, DE 19720.

2. That Respondent was issued a certificate of public convenience by this Commission on March 19, 2007, at A-00122217.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
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VERIFICATION

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Equal Transportation Inc.; Doc. No. C-2011-2259854; A-00121517

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Equal Transportation Inc, Respondent, maintains a principal place of business at 4642 Naples Street, Philadelphia, PA 19124.

2. That Respondent was issued a certificate of public convenience by this Commission on January 11, 2006, at A-00121517.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: _____10/6/11_____

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circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the \$1,000.00 penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

Compliance Office
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your filing of the report is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the filing, the complaint proceeding shall be closed and no fine will be imposed. Blank Assessment Report Forms are also available at www.puc.state.pa.us.

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue a Secretarial Letter imposing the penalty proposed in this Complaint.

E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. James J Kennedy Lloyd V Coble Lloyd Coble Jr Lee Clinosky and Wilbert E King Partners ta Coble Transfer & Storage Co;
Doc. No. C-2011-2260066; A-00108562

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Sec-

tion 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That James J Kennedy Lloyd V Coble Lloyd Coble Jr Lee Clinosky and Wilbert E King Partners ta Coble Transfer & Storage Co, Respondent, maintains a principal place of business at 1500 Hummel Ave, Camp Hill, PA 17011.

2. That Respondent was issued a certificate of public convenience by this Commission on January 31, 1990, at A-00108562.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: 10/6/11

Michael E. Hoffman, Manager

NOTICE

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Rosemary Chiavetta, Secretary
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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate revenues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
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E. If you file an answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at 717-787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Magic Trucking Inc;*
Doc. No. C-2011-2260272; A-00121042

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Magic Trucking Inc, Respondent, maintains a principal place of business at 901 Saw Creek Estates, Bushkill, PA 18324.

2. That Respondent was issued a certificate of public convenience by this Commission on March 12, 2006, at A-00121042.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assess-

ment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____10/6/11_____

Michael E. Hoffman, Manager

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C. You may elect not to contest this Complaint by filing the enclosed Assessment Report showing intrastate rev-

enues for the 2010 calendar year, within twenty (20) days of the date of service of this Complaint. The report should be sent to:

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. D & W Cab Company;
Doc. No. C-2011-2255336; A-00110453

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That D & W Cab Company, Respondent, maintains a principal place of business at 2316 Vista Street, Philadelphia, PA 19152.
2. That Respondent was issued a certificate of public convenience by this Commission on March 9, 1993, at A-00110453.
3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.
4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.
5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment

report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

Respectfully submitted,

Michael E. Hoffman, Manager
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Michael E. Hoffman, Manager of the Bureau of Investigation and Enforcement, hereby state that the facts above set forth 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 any 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: _____9/11_____

Michael E. Hoffman, Manager

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*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Satkartar Enterprises
 Inc; Doc. No. C-2011-2255910; A-00119537*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That Satkartar Enterprises Inc, Respondent, maintains a principal place of business at 141 Hampden Road, Upper Darby, PA 19082.

2. That Respondent was issued a certificate of public convenience by this Commission on February 18, 2003, at A-00119537.

3. That, pursuant to 66 Pa.C.S. § 510(b), every public utility must annually file with the Commission an Assessment Report showing its gross intrastate operating revenues for the preceding calendar year.

4. That Respondent failed to file Assessment Reports for calendar years 2007, 2008, 2009, and 2010.

5. That Respondent, by failing to file the Assessment Reports, as described above, violated 66 Pa.C.S. § 510(b).

Wherefore, unless Respondent files an answer to this Complaint within twenty (20) days of the date of service, which denies the allegations or contests this Complaint, the Bureau of Investigation and Enforcement hereby requests that the Commission issue a Secretarial Letter which (1) fines Respondent one thousand dollars (\$1,000.00), (2) directs Respondent to file an assessment report with this Commission for the 2011 calendar year by March 31, 2012, and (3) informs Respondent that, if an assessment report is not filed in the future, cancellation of Respondent's certificate of public convenience may occur.

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Michael E. Hoffman, Manager
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VERIFICATION

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my knowledge, information and belief and that I expect to be able to prove the same at any 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: _____9/29/11_____

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[Pa.B. Doc. No. 12-1074. Filed for public inspection June 8, 2012, 9:00 a.m.]

