

PENNSYLVANIA BULLETIN

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(Master Transmittal Sheets):**

No. 463, June 2013

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Pennsylvania Bulletin

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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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THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 33]

Order Amending Rule 3331 of the Rules of Appellate Procedure; No. 233 Appellate Procedural Rules

Order

Per Curiam

And Now, this 13th day of June, 2013, the proposal having been submitted without publication in the interest of efficient administration:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 3331 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendment herein shall be effective immediately.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 33. BUSINESS OF THE SUPREME COURT

REVIEW OF SPECIAL PROSECUTIONS OR INVESTIGATIONS

Rule 3331. Review of Special Prosecutions or Investigations.

(a) *General rule.*—Within the time specified in Rule 1512(b)(3) (special provisions), any of the following orders shall be subject to review pursuant to Chapter 15 (judicial review of governmental determinations):

* * * * *

(5) An order of the type specified in Paragraphs (1) through [(5)] (4) of this subdivision which contains a statement by the lower court pursuant to 42 Pa.C.S. § 702(b) (interlocutory appeals by permission). Chapter 13 (interlocutory appeals by permission) shall not be applicable to such an order.

* * * * *

[Pa.B. Doc. No. 13-1152. Filed for public inspection June 28, 2013, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 300 AND 500]

Proposed Amendments to Rules 313, 506 and 507

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania

adopt amendments to Rules 506 and 507 of the Minor Court Civil Rules, as well as the Official Note to Rule 313. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are shown in bold and brackets.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
PO Box 62635

Harrisburg, PA 17106-2635

Fax: 717-231-9546

or email to: minorrules@pacourts.us

no later than August 30, 2013.

By the Minor Court Rules Committee

MARY P. MURRAY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 300. CIVIL ACTION

Rule 313. Service Outside the Commonwealth.

When service of the complaint is to be made upon a defendant outside the Commonwealth, it shall be made:

(1) by delivery in the manner prescribed by Rule 308, 309, 310 or 311, whichever is applicable, by a Pennsylvania sheriff or constable or by any adult, other than the plaintiff designated by the magisterial district judge or

(2) by certified or registered mail as provided by Rule 308, 309 or 310, whichever is applicable;

(a) if the registered or certified mail is returned with a notation by the postal authorities that receipt was refused, then the magisterial district judge may serve the complaint by sending a copy of the complaint by ordinary mail to the same address with a return address on the envelope. Service by ordinary mail is complete if the mail is not returned to the sender within fifteen days after the mailing; or

(b) if the mail is returned with a notation by the postal authorities that it was unclaimed, the plaintiff shall make service by another means pursuant to these rules, or

(3) in the manner provided or prescribed by the law of the place in which service is to be made for service in that place in an action in any of its courts of general jurisdiction.

Official Note: See the Judicial Code, § 5322, 42 Pa.C.S. § 5322 (as amended by § 10(61) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53)

and § 5329(1), 42 Pa.C.S. § 5329(1), as to the basis of personal jurisdiction over persons outside the Commonwealth. The magisterial district judge may designate any Pennsylvania sheriff or constable to make service under subdivision (1), but such service should not be attempted if it would be offensive to the jurisdiction in which service is to be made. See Uniform Interstate and International Procedures Act, § 2.02, Commissioners' Comment, 13 Uniform Laws Annotated 297. Alternatively, the magisterial district judge may designate any adult other than the plaintiff to make service under subdivision (1). Although the magisterial district judge may not designate the plaintiff as the person to make such service, the plaintiff may suggest to the magisterial district judge the name of a person to make service. If service is made by ordinary mail under subdivision (2), the magisterial district judge shall note that fact on the [**original complaint form**] **docket** with the remark that a sufficient time having elapsed the ordinary mail was not returned [**and**]. **The magisterial district judge** shall attach to the original complaint form the returned certified or registered letter with the notation by the postal authorities that the defendant refused to accept it. If service is to be made under subdivision (3), the magisterial district judge may send the service copy of the complaint to an appropriate official of the jurisdiction in which service is to be made. If service is made under subdivisions (1) or (3), proof of service may be made on the form provided under Rule 314A with such alterations as may be necessary or in any manner provided by the law of the jurisdiction in which the service is made for proof of service in an action in any of its courts of general jurisdiction.

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the defendant by first class mail **and noting on docket the date of such mailing**, and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five days before the hearing.

Official Note: Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the plaintiff may authorize the sheriff or constable to make personal service upon a tenant/defendant. If a tenant/defendant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The plaintiff may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant/defendant so the plaintiff can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

Rule 507. **Notation and Return of Service; Waiver of Service.**

A. The magisterial district judge shall note on the [**complaint form**] **docket** the date [**on which he mailed a service copy of the complaint to the defendant**] that a service copy of the complaint was mailed to the defendant, and the sheriff or constable serving a copy of the complaint shall, at or before the time of the hearing, make proof of service on the form provided, which shall show the manner of service and the day, hour and place thereof.

B. The appearance of a defendant in person or by representative or the filing by him of a claim in the case shall be deemed a waiver of any defect in service but not a waiver of a defect in venue.

Official Note: This rule parallels the provisions of Rule 314A and C [**of the trespass and assumpsit rules**].

REPORT

Proposed Amendments to Rules 506 and 507, and the Official Note to Rule 313 of the Minor Court Civil Rules

Notation of Mailing Date of Service Copy of Complaint

I. Introduction

The Minor Court Rules Committee (the "Committee") is proposing amendments to Rules 506 and 507, and the Official Note to Rule 313 of the Minor Court Civil Rules. The proposed amendments address the existing requirement that notations be made on the service copy of the complaint regarding the first class mailing date to the defendant, requiring instead that the notation be made on the docket.

By way of background, the Committee was contacted by a judicial automation attorney with the Administrative Office of Pennsylvania Courts and a judge of the court of common pleas inquiring about the requirement set forth in Pa.R.C.P.M.D.J. No. 507A ("Rule 507A"), which provides that a "magisterial district judge shall note on the complaint form the date on which he mailed a service copy of the complaint to the defendant." Both inquiries observed that, despite the requirement set forth in Rule 507A, the complaint form does not contain a field for such a notation. Moreover, the common pleas judge inquired whether the failure of the magisterial district judge to note the mailing date on the complaint would constitute a failure in service due to the failure to comply with the rule. Because proceedings in magisterial district courts, much more so than in other courts, rely heavily on the use of preprinted standardized forms, the Committee agreed that there should be consistency between the Rule 507A and the complaint form. The Committee published a proposal in the *Pennsylvania Bulletin* that amended Rule 507A by removing the notation requirement. See 40 Pa.B. 522 (January 23, 2010). In response to the publication, the Committee received comments from interested parties, and subsequently elected to modify the original proposal and republish for further comment.

II. Discussion

The Committee received comments following the first publication of the proposal, some of which pointed to a definite need to track the date of the service by first class mail so that it appears within the record. The Committee was persuaded by this correspondence, yet remained apprehensive that hinging proof of service upon a hand

written notation was entirely reliable. The Committee subsequently decided to propose requiring a notation on the docket, rather than a written notice on the service copy of the complaint. The website of the Administrative Office of Pennsylvania Courts, www.pacourts.us, provides online access to docket sheets, including landlord tenant cases, and the Committee anticipates that the notation regarding service by first class mail would be publicly accessible via this method.

III. *Proposed Rule Changes*

The Committee proposes adding a provision to Pa.R.C.P.M.D.J. No. 506A requiring that the magisterial district judge note on the docket the date of service by

first class mail. Similarly, the Committee proposes amending Rule 507A by deleting the requirement that the judge note the date of first class mailing on the service copy of the complaint, and, instead, require that the notation be made on the docket. Finally, in the interest of consistency, the Committee also proposes amending the Official Note to Pa.R.C.P.M.D.J. No. 313, regarding service outside the Commonwealth, to delete the requirement that notation of service by ordinary mail should be made “on the original complaint form”, and, instead, require such notation on the docket.

[Pa.B. Doc. No. 13-1153. Filed for public inspection June 28, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 111]

[L-2010-2208332]

Marketing and Sales Practices for the Retail Residential Energy Market

The Pennsylvania Public Utility Commission (Commission), on October 24, 2012, adopted a final rulemaking order which sets forth regulations on marketing strategies and sales techniques for electric generation suppliers and natural gas suppliers to ensure fairness and integrity in the competitive market and eliminate confusion on behalf of consumers.

Executive Summary

The Public Utility Commission's (PUC's) Office of Competitive Market Oversight with industry working groups comprised of gas and electric utilities, suppliers, consumers and other interested parties developed draft interim guidelines on marketing and sales activities for electric generation suppliers (EGSs) and natural gas suppliers (NGSs). The draft guidelines were issued for public comment. After reviewing the comments, the interim guidelines were finalized on November 5, 2010. See Docket No. M-2010-2185981. The interim guidelines cover a wide range of topics and recommended best practices for direct (door-to-door) marketing, telemarketing and sales for the retail residential market. These interim guidelines will provide direction to EGSs and NGSs until final regulations are promulgated.

On February 14, 2011, the PUC issued a proposed regulation based on the interim guidelines that are applicable to the retail residential energy market. The proposed regulation, which was directed at EGSs and NGSs and their agents who provide sales and marketing support, was drafted to lessen customer confusion about suppliers and the sales process, and to ensure that a customer's account is not transferred to a supplier without his authorization. Specifically, the proposed regulation covered, inter alia, a supplier's liability for its agent; agent qualifications and criminal background investigations; agent training; agent compensation and discipline; and agent identification and misrepresentation. In addition, subjects relating to supplier/agent-customer interactions were addressed: customer authorization to transfer account; customer receipt of disclosure statement and right to rescind contract; consumer protection law; and customer complaints. Door-to-door (direct) marketing and telemarketing, two sales practices fairly new to Pennsylvania's retail energy market, were also addressed.

On October 22, 2011, the order and proposed regulations were published in the *Pennsylvania Bulletin*, triggering the start of a 60-day comment period. Twelve parties filed comments in response to the Proposed Rulemaking Order. On January 20, 2012 the Independent Regulatory Review Commission (IRRC) submitted comments. Additionally, the Office of Attorney General (OAG) reviewed the proposed regulations for form and legality pursuant to the Commonwealth Attorneys Act, 71 P.S. §§ 732-101—732-506.

After careful consideration of the comments filed, the PUC issued a final rulemaking order on October 24, 2012. The Commission voted 5-0 to approve the rulemaking regarding regulations that cover a wide range of topics and recommend best practices for direct (door-to-door) marketing, telemarketing and sales. The regulations will apply to both EGSs and NGSs and to any entity conducting activities on their behalf. As more EGSs and NGSs enter the state's residential retail electric and natural gas supply markets, the Commission expects suppliers to conduct themselves with the regulations in mind so that their sales and marketing activities do not call into question the fairness and integrity of the competitive market.

Many of the requirements found in the regulation are in the context of door-to-door marketing and are intended to protect public safety. Suppliers are now required to obtain criminal background checks on all of their door-to-door agents. Agents are required to immediately identify themselves to potential customers and to have identification prominently displayed. Additionally, agents are to offer written identification information to the potential customer. Agents are directed to leave immediately upon request of the customer and are to respect an individual's request not to be visited again. The regulation includes the hours that door-to-door sales are permitted; until 7:00 p.m. during the winter months; until 8:00 p.m. during the summer months. The regulation further stipulates that if a local ordinance has stricter timeframes, the local ordinance applies. Suppliers are also obligated to respect all other local ordinances governing door-to-door sales, including registration and licensing requirements where applicable.

Other requirements in the regulations are intended to ensure that potential customers are receiving the information they need to make informed choices about energy providers. This includes requirements addressing agent training and the written information they provide consumers. Suppliers are required to address the consumer in the same language used by the potential consumer. Still other requirements are intended to prevent confusion and misrepresentation. Agents are forbidden from wearing clothing or making statements that infer a relationship that does not exist with another utility, supplier or government agency. Agents are required to make affirmative statements to consumers making clear who they represent and that they are independent of both the local utility and any other supplier. Suggesting to a consumer that they are "required" to choose a supplier is forbidden. Door-to-door sales and telemarketing sales are supposed to be verified by a process that documents the customer's understanding and acceptance of the transaction.

There is a section of the regulation that specifically addresses telemarketing. This section reminds suppliers of their obligations under both state and federal telemarketing laws, including respecting the "Do Not Call" lists. Telemarketing agents must also comply with many of the same rules regarding customer information and misrepresentation as a door-to-door agent must comply with; minus those provisions that concern the physical appearance and physical interaction with the customer. Finally, telemarketing sales transactions need to be verified much the same as door-to-door transactions.

Public Meeting held
October 24, 2012

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; Wayne E.
Gardner; James H. Cawley; Pamela A. Witmer

*Marketing and Sales Practices for the Retail Residential
Energy Market; Doc. No. L-2010-2208332*

Corrected Final Rulemaking Order

By the Commission:

Before us for consideration is a final rulemaking order on marketing and sales practices for the retail residential energy market. The regulations set forth herein are based on interim guidelines that were developed on the subject by the Pennsylvania Public Utility Commission's Office of Competitive Market Oversight (OCMO) as a result of meetings held with the working groups, CHARGE (Committee Handling Activities for Retail Growth in Electricity) and SEARCH (Stakeholders Exploring Avenues to Remove Competitive Hurdles).¹ As was the case with the interim guidelines, the proposed regulations will be applicable to both electric generation suppliers (EGSs) and natural gas suppliers (NGSs). Accordingly, with this order, we issue these final regulations.

Discussion

Background

With the expiration of the last of the remaining electric generation rate caps at the end of 2010, greater numbers of EGSs have entered, and will enter, Pennsylvania's retail electric generation supply market. As a result, consumers are being exposed to unfamiliar marketing strategies and sales techniques. One particular sales technique, direct sales or door-to-door sales, has created confusion for some customers, who contacted this Commission with their concerns. To address these concerns, the OCMO and the CHARGE working groups were assigned the task of developing interim guidelines on marketing and sales activities in the retail electric market.

CHARGE took up the issue of third party marketing and sales support at its January 7, 2010, meeting. CHARGE continued to meet to discuss and review various drafts of the interim guidelines prepared by OCMO staff. The group met on January 22; February 4 and 18; March 4 and 18; April 08 and 29; May 13 and 27; and June 10. During the discussions, CHARGE asked OCMO staff to consider expanding the draft marketing guidelines to include NGS marketers. On April 29, 2010, OCMO circulated the guidelines to SEARCH, seeking feedback from natural gas stakeholders about the feasibility of that suggestion. Joint meetings of CHARGE and SEARCH were held on May 13, 2010, and on June 7, 2010. On June 24, 2010, the group met on the final OCMO staff draft of the proposed interim guidelines.

On July 16, 2010, the Commission entered a Tentative Order with proposed interim guidelines on marketing and sales practices for EGSs and NGSs. See Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers, Docket No. M-2010-2185981, Order entered July 16, 2010 (Interim Guidelines). The Tentative Order set forth 17 proposed interim guidelines and established a 30-day comment period and a subsequent 15-day reply comment period. Fifteen comments and seven reply comments were filed.

¹ CHARGE and SEARCH members included electric distribution companies, natural gas distribution companies, EGSs, NGSs, industry trade organizations, consumers, the Office of Consumer Advocate, and the Office of Small Business Advocate.

After considering the comments, the Commission issued its final order on the Interim Guidelines on November 5, 2010.

Proposed Rulemaking

On February 10, 2011, the Commission issued a Proposed Rulemaking Order with proposed regulations on marketing and sales practices for EGSs and NGSs for comment. Rulemaking re: Marketing and Sales practices for the Retail Residential Energy Market, Docket no. L-2010-2208332 (Proposed Rulemaking Order). The proposed regulations were based on the Interim Guidelines. On October 22, 2011, the order and proposed regulations were published in the *Pennsylvania Bulletin*, triggering the start of a 60-day comment period. Twelve parties filed comments in response to the Proposed Rulemaking Order. Comments were submitted by the Consumer Advisory Council (CAC), Dominion Retail (DES), FirstEnergy Solutions (FES), Interstate Gas Supply (IGS), Met Ed, Penelec, Penn Power and West Penn Power (FirstEnergy), National Energy Marketers Association (NEM), Office of Consumer Advocate and AARP (OCA/AARP), Pennsylvania Coalition Against Domestic Violence (PCADV), Pennsylvania Energy Marketers Coalition (PEMC), Public Utility Law Project (PULP), Retail Energy Supply Association (RESA), and Washington Gas Energy Services (WGES). On January 20, 2012 the Independent Regulatory Review Commission (IRRC) submitted comments. Additionally, the Office of Attorney General (OAG) reviewed the proposed regulations for form and legality pursuant to the Commonwealth Attorneys Act, 71 P. S. §§ 732-101—732-506. The OAG's comments and our responses are discussed below where relevant.

§ 111.1. General.

PULP focused its comments on the issue of door-to-door sales and opposes this form of marketing. PULP is in favor of a ban because: door-to-door solicitation will lead to a heightened risk of unfair and deceptive trade practices to the most vulnerable members of the community; these types of marketing practices are contrary to the intent of the Choice Acts because the very nature of the door-to-door sales transaction limits consumer choice to a one-sided "good sales pitch . . . rather than . . . a well informed decision" and a ban of such marketing activities would not unduly burden competitive energy suppliers because of the myriad means of communication available to suppliers to inform consumers today. PULP suggests there are numerous ways in which a supplier can inform a customer about its product without reliance upon door-to-door sales and marketing activities, such as direct mailings, television, radio, the Commission's PAPowerSwitch.com website and OCA's Residential Electric/Natural Gas Shopping Guide websites. PULP believes that these are sufficient methods of providing consumers with information about a supplier's price and terms without resorting to door-to-door solicitation.

The PCADV agrees with PULP in its support of a ban of door-to-door sales and marketing activities. PCADV is concerned with the potential safety hazards of allowing door-to-door solicitors into the homes of victims of domestic violence and the possibility of criminal activity by those posing as door-to-door solicitors. PCADV believes that door-to-door sales "present a particularly unique and troublesome threat to victims of domestic violence and other victims of similarly insidious crime" (PCADV, p. 3.) and that "the only way to truly protect against the unique risks posed to victims of domestic violence and other crimes is to completely prohibit door-to-door sales by electric and gas suppliers." (PCADV, p. 4.) PCADV is also

concerned because they believe that victims of domestic violence are “more vulnerable to coercive tactics employed by door-to-door” salesmen and are also vulnerable because many victims struggle to meet basic expenses and it is “difficult for a financially-strapped victim to make an informed decision.” (PCADV, p. 5.) And while PCADV “recognizes and commends the PUC for including safety provisions” it believes the proposed provisions are inadequate and that door-to-door activities are “impossible to effectively monitor.” (PCADV, p. 6.)

The CAC agrees with PULP and PCADV about the likeliness of true customer choice during door-to-door sales and marketing activities, particularly when dealing with vulnerable groups such as the elderly, the infirm, or the uneducated. Absent an outright ban, CAC would limit door-to-door solicitations to those consumers who specifically request such solicitations.

OCA/AARP notes the potential for fraud and customer confusion in door-to-door sales that have been borne out in other states and commends the Commission for its efforts to find a way to allow door-to-door sales while addressing concerns with this sales technique. OCA/AARP suggests language in this section which would require EGSs, NGSs and their agents to comply with all federal, state, and local/municipal laws along with applicable Commission rules, regulations and orders.

IRRC notes that Pennsylvania’s Office of Attorney General administers two statutes that regulate subject matter covered by certain sections of this rulemaking: telemarketing and door-to-door sales. The statutes are the Pennsylvania Telemarketer Registration Act (73 P.S. §§ 2241—2249) and the Pennsylvania Unfair Trade Practices and Consumer Protection Law (73 P.S. §§ 201-1—201-9.2). IRRC asks that the PUC explain how it will administer and enforce this rulemaking when it identifies or becomes aware of activities that violate the rulemaking and the statutes noted above.

Resolution

We acknowledge the concerns of the parties that object to the use of door-to-door sales to sell energy supply services. It is out of these concerns that we have proposed these new regulations. However, we first note that IRRC is correct that door-to-door sales are already governed by the Unfair Trade Practices and Consumer Protection Law. The Legislature has placed certain safeguards into law through that legislation. Nonetheless, there are additional protective measures we can impose to govern specifically the door-to-door sale of retail power.

We share many of the concerns expressed by the parties. We believe that the way to address these concerns, without unduly restricting the ability of suppliers to use their preferred method of marketing, is through the regulations we have proposed, coupled with consumers’ ability to rescind their choices within three days. It is our intent to put safeguards in place to protect public safety and the consumers participating in the market. These regulations will serve to protect the integrity of the entire competitive energy market, which will benefit consumers and suppliers alike.

The Commission has numerous mechanisms by which to monitor the market and enforce these rules. Consumers, likewise, have a variety of channels by which to report concerns or complaints. The Commission maintains a toll-free complaint hotline (800-692-7380) that is staffed by trained professionals who can respond to questions and/or open informal complaints for consumers. These

complaints are investigated by Commission staff that look into the matter and are authorized to write binding informal decisions if needed. Informal complaints can also be submitted electronically via the Commission’s website (<http://www.puc.pa.gov>) or in writing via U.S. Mail. Consumers can also file formal complaints in writing by using forms available on the website, and request a hearing before an Administrative Law Judge. Additionally, questions, comments and concerns can be submitted via the Commission’s well-publicized electric shopping website (www.papowerswitch.com). Consumers contact their local utility with questions or concerns about the competitive market—contacts that are often shared with Commission staff via routine meetings and conference calls with the utilities. Consumers contact other state agencies, such as the Office of Consumer Advocate and the Office of Attorney General, which in turn communicate with Commission staff. Finally, the Commission hears from local government officials and members of the General Assembly about competitive market concerns in their communities. Given all of these channels that are available for consumers to obtain information and report problems, the Commission is confident that sales and marketing activities in the competitive market can be effectively and thoroughly monitored.

The Commission also has available numerous resources to investigate and enforce any problems that come to its attention via the above-mentioned channels. These resources range from the very informal to formal Commission action that imposes penalties. Informally, Commission staff reviews the informal complaints filed by consumers to identify any customer care or compliance failures. Such failures are brought to the attention of the supplier and corrective action is requested. Commission staff routinely meets with suppliers to discuss their marketing practices and complaints. The Commission, since 2009, has also had an office specifically charged with monitoring the competitive market. OCMO is within the office of the Director of Regulatory Operations, and includes a group of legal, technical and policy staff members from various Commission bureaus to informally address retail market issues. The office is responsible for responding to questions from electric generation suppliers, monitoring issues hindering the development of a competitive retail market and facilitating informal dispute resolution between default service providers and electric generation suppliers. One of OCMO’s chief monitoring and oversight venues are monthly conference calls consisting of suppliers, utilities and consumer representatives where any party can raise any market issue for discussion and possible resolution. More information about OCMO and the monthly conference calls are available on the Commission’s website.

If these informal mechanisms are insufficient, more formal avenues are available. The PUC’s Bureau of Investigation and Enforcement is the Commission’s independent prosecutory arm that can initiate informal or formal investigations as needed and can seek penalties for non-compliance, including the suspension and revocation of supplier licenses. The Commission also has a long-standing Memorandum of Understanding (MOU) with the OAG and under this MOU can refer matters that more appropriately fall under the jurisdiction of the OAG. This could include matters that fall under the Pennsylvania Telemarketer Registration Act and the Pennsylvania Unfair Trade Practices and Consumer Protection Law. A copy of the MOU is attached as Attachment One.

With all of these enforcement resources, the Commission is confident that it can effectively act upon information received through a variety of channels and enforce these regulations. All market participants are put on notice that the Commission will use these resources to aggressively enforce these new regulations in the public interest—to safeguard public safety and ensure fairness for all. We also take this opportunity to remind suppliers of their obligation to respect all federal, state and local laws related to sales and marketing and to note that nothing in these regulations is intended to vacate or supersede any other existing federal, state or local requirement.

§ 111.2. *Definitions.*

Definition of Agent

The Commission specifically solicited comments on the definition of “agent” in the Proposed Rulemaking Order. PCADV, OCA/AARP, and CAC propose the expansion of the term “agent.” PCADV wishes to include all subcontractors, employees, vendors, and representatives not directly contracted by the supplier within the meaning of the term “agent” in order to cover those employees who are hired by marketing firms or other vendors on behalf of the supplier but are not working directly for the supplier. PCADV believes that this would ensure compliance with the confidentiality requirements of 52 Pa. Code §§ 54.8, 54.43(d) because it would require compliance of those agent subcontractors who may fall outside of these protections. (PCADV, p. 9.) Moreover, PCADV would include within the definition of “agent” a specific confidentiality provision to protect customer information and to require this as a topic for training as well. The PUC should also “completely restrict the sale of customer information by agents.” (PCADV, p. 12.) CAC also believes that consumers must first consent before any of their personal information is released and urges the Commission not to eliminate the need for this consent in the name of creating a “level playing field.” (CAC, p. 9.)

OCA/AARP believes that the definition of “agent” should be broadened to include those situations where a person may conduct marketing or sales activities on behalf of two or more licensed suppliers and in support of this position cite the Connecticut Department of Public Utility Control’s guidelines for Marketing and Sales Practices for Electric Suppliers and Aggregators as an example of a comprehensive definition of the term “agent” consistent with their position.²

Rather than expand the definition of “agent,” some parties prefer that the language of the proposed definition be clarified or remain unchanged. RESA suggests that the definition be changed to make clear that the person conducting the marketing/sales for a single supplier is compensated by that supplier and therefore that supplier is responsible for that agent’s actions. Moreover, RESA would include language within the definition which excludes employees of independent organizations which facilitate customer access to suppliers.

² DPUC Review of the Current Status of the Competitive Supplier and Aggregator Market in Connecticut and Marketing Practices and Conduct of Participants in that Market, Docket No. 10-06-24, Decision (Mar. 16, 2011) (DPUC Guidelines). In the DPUC Guidelines, the term “agent” is defined as follows: “Agent” means any person, whether an employee, representative, independent contractor, broker, marketer, vendor, sales conduit through multi-level marketing, or member of any organization, who (A) has contracted with, or has been directly authorized by, a Supplier or Aggregator to conduct marketing or sales activities or to enroll customers on behalf of the Supplier or Aggregator; or (B) has received compensation, in any form, from a Supplier or Aggregator for any activities relating to the sales or marketing of the Supplier or Aggregator’s electric generation services or the referral, enrollment or servicing of customers on behalf of the Supplier or Aggregator[.]

NEM opposes the view that compensation should be the determining factor because there are instances when a third party may be compensated but is not engaged in sales or marketing activities (such as providing a price quote to a consumer or the consumer’s consultant); instead, language should be added which would define the agency relationship on the basis of the contractual relationship between the supplier and the person marketing on behalf of that supplier. Consistent with this view, NEM believes that language should be added to the definition of “agent” which would limit liability to the supplier for whom marketing and sales activities were undertaken because the current proposed language covers agents who provide marketing and/or sales support services to more than one supplier.

The PEMC, RESA, and NEM agree that affinity groups such as fraternal organizations, churches, rotary clubs, community groups, and/or retail outlets should be excluded from the definition of “agent” because these groups “may choose to recommend or endorse a supplier to its members, employees, or customers and such reference should not result in the group or organization being considered an agent of the supplier under the [Commission’s] definition.” (PEMC, p. 4.)

RESA would remove the reference to “marketing service consultant” and “nontraditional marketer” as it relates to gas suppliers. RESA believes that the proposed definition would include some types of entities (such as “affinity partnerships” which are included within the definition of nontraditional marketers and “energy consultants to consumers” which are included within the definition of marketing service consultant). Moreover, RESA argues that because the Commission has initiated a rulemaking to remove the NGS licensing exemption of marketing services consultants and nontraditional marketers,³ any reference to these regulatory definitions would be outdated. Lastly, inclusion of these references would create the impression of creating different definitions for agents used by electric suppliers and those used by gas suppliers (RESA, p. 4.).

DES supports the definition of the term “agent” in the proposed regulations.

IRRC is concerned that the preamble to this section notes that agents that provide marketing and/or sales services to more than one supplier would fall under this definition but that the intent of the PUC in the preamble is not reflected in the definition of this term. IRRC believes that clarity could be improved by amending the definition to more accurately reflect the PUC’s intent. Additionally, IRRC requests that the PUC review this definition to make sure it covers all persons who could act as agents, such as subcontractors and the potential for an agent to hire employees or delegate activities to employees.

Resolution

We agree with OCA/AARP and IRRC that the definition of agent should include those representing more than one supplier and that this is more in keeping with our announced intent in the proposed rulemaking order. We also agree with PCADV, OCA/AARP and IRRC that the definition should be expanded to include all “subcontractors, employees, vendors, and representatives not directly contracted by the supplier” who are providing sales and marketing services on behalf of the supplier, as this will provide a more comprehensive description of the individu-

³ See Licensing Requirements for Natural Gas Suppliers, Docket No. L-2011-2266832, Motion of Commissioner Pamela A. Witmer adopted October 14, 2011.

als covered by the definition and lessen the chance of confusion. We agree with RESA that references to “marketing service consultant” and “nontraditional marketer” should be removed because, as RESA points out, these types of entities are the subject of another pending rulemaking that may make their inclusion in this rule-making moot. (Even if this ends up not being the case, we believe the inclusion of these two references is superfluous given our rather comprehensive expansion of this definition discussed above.)

We agree with RESA, PEMC and NEM that the status of “affinity groups” such as community and fraternal organizations, churches, etc., that are not affiliated with a supplier, in the context of this definition needs to be discussed. However, we do not think it is necessary to revise the proposed definition to clarify this; we will simply do so by discussing our intent in this order. If a supplier is using an “affinity group” to obtain customers and the individual members of that group are not being reimbursed for the enrollments they obtain, then it is not our intent to treat those individuals as “agents” under this definition. Applying these regulations and requirements (background checks, training, uniforms, identification, etc.) upon the members of such organization(s) is impractical and unnecessary. The expectation is that the members of the affinity group are enrolling members of the same group or individuals with which they have a personal relationship.

However, if the individuals are being compensated for the customers they enroll and if they are approaching individuals outside of a group or personal relationships—including “multi-level marketing”—then these individuals are more accurately described as an “agent” under this definition and these regulations should apply. We acknowledge that there are many different marketing structures currently in operation and unforeseen structures that could appear in the future. There may be scenarios where the applicability of these definitions and regulations may not always be clear. We ask all market participants to use good faith and reason when confronted with such situations, and to seek the guidance of Commission staff if needed.

While we agree with PCADV and CAC that suppliers and their agents should not sell customer information, we believe that existing regulations at 52 Pa. Code § 54.43(d)⁴ are sufficient to address this concern and that it does not have to be added to the definition of agent (See 52 Pa. Code § 62.114(3) for the analogous gas industry regulation). We also want to remind everyone of 52 Pa. Code § 54.43(f)⁵ that codifies the long-standing PUC policy of holding licensed electric suppliers “responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employees [sic], agents or representatives.” (See 52 Pa. Code § 62.114(4)(e) for the analogous gas industry regulation).

Definition of Disclosure Statement

IRRC notes that Section 4(b)(7) of the Plain Language Consumer Contract Act (73 P. S. § 2204(b)(7)) provides an exclusion for “contracts subject to examination or other

⁴ (d) A licensee shall maintain the confidentiality of a consumer’s personal information including the name, address and telephone number, and historic payment information, and provide the right of access by the consumer to his own lead and billing information.

⁵ (f) A licensee is responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives. Licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of electric generation supply contracts. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).

supervision by the Pennsylvania Public Utility Commission or by the Federal Energy Regulatory Commission” and asks if contracts between suppliers and a customer are subject to examination or other supervision by the PUC or by FERC. If so, IRRC questions whether the reference to “consumer contract” is appropriate. (IRRC p. 2.)

Resolution

Although we are aware that the Plain Language Consumer Contract Act excludes contracts which are subject to our examination, we have encouraged the use of plain language in our own orders as well as in communications between companies we regulate and their customers. We are relying on the language drafted by the Legislature in the Plain Language Consumer Contract Act for the standard by which we will hold EGSs and those acting on their behalf when contracting with consumers. Moreover, we also should note in response to IRRC, that insofar as these regulations address “retail” sales of energy, they are beyond the jurisdiction of the FERC and are not subject to its review.

Definition of Door-to-door sales

PEMC recommends that the definition of “door-to-door sales” refers to residence-only locations which would not include commercial components that include both a residence and a commercial establishment.

IRRC is concerned that the inclusion of the phrase “without prior specific appointment” could negate all of the protections afforded customers by this regulation—if an agent has an appointment with a resident, would that agent have to abide by these regulations? IRRC asks the Commission to clarify this definition to ensure that all customers benefit from the safeguards this regulation is intended to provide. (IRRC p. 2.)

Resolution

We agree with IRRC and will remove the phrase “without prior specific appointment.” The fact that the potential customer scheduled an appointment to meet with an agent should not negate the protections these regulations are intended to provide. We decline to adopt PEMC’s suggestion to exempt residences that may have commercial use attached. While we understand this may complicate a supplier’s solicitation of some commercial entities, we believe that the need to provide these regulatory protections to all residential consumers is the paramount concern. Regardless, the number of mixed residential/commercial premises is relatively small and should not present too much of a burden on suppliers.

Definition of Sales

RESA believes that the term “Sales” should be changed to “Sales and Marketing” because the term “sales” involves “the process of assisting the customer in accepting an offer” but the term “marketing” involves making an actual offer to the customer that the customer can accept. These terms are different yet interconnected and including both definitions would clarify that both activities are covered by the regulations.

Resolution

We believe that “sales” and “marketing” are interconnected enough that two different definitions are not necessary. We will instead change the definition of “Sales” to “Sales and Marketing” as to make the definition more comprehensive and to clarify that both activities are covered by the regulations.

Other Suggested Definitions

IRRC notes that there are several terms or phrases used throughout the regulation that are not defined and believes that the clarity of the regulation would be improved if definitions were provided for: marketing, public event, transaction, transaction document, verification, and verification process. RESA and OCA/AARP also request that the Commission should consider additional definitions within § 111.2. (IRRC p. 1.)

“Transaction” & “Verification”—RESA believes that the processes of a customer authorizing the transfer of his/her account to the supplier and the validation of a customer’s intent to transfer his/her account are two distinct steps that should be defined. Neither of these terms is defined in the regulations. By including a definition for each, RESA believes that the Commission would exclude transactions completed without the involvement of an agent from the definition of the verification process. In doing so, the Commission would eliminate the possibility that a customer service representative would be considered an “agent” within the context of the regulations because the CSR is merely assisting the customer rather than marketing a service to the customer.

“Transaction Document”—Because it is a term of art used in Proposed Regulations § 111.5(a)(8) and § 111.7(b)(5), OCA/AARP believes the term “transaction document” should be defined. OCA/AARP understands the term to mean “contract and enrollment forms” and suggests that a definition be added which defines “transaction document” to mean those “contracts and forms used by an EGS or NGS to enroll a customer for service.”

Resolution

We do not think that it is necessary to add a definition of “marketing” because we are amending the definition of “sales” to include “marketing” (see previous discussion of the definition of “sales”). However, we agree with IRRC’s, OCA/AARP’s and RESA’s suggestions and will add definitions of “public event,” “transaction,” “transaction document,” “verification” and “verification process.” Additionally, we have added a definition of “customer” to avoid possible confusion as to who we are referring to when we use this term. The definition is based, in part, on an existing definition of “customer” at 66 Pa.C.S.A. § 1403 and is very broad in that it includes all EDC, NGDC, EGS and NGS customers. This also makes it unnecessary to refer to “prospective” or “potential” customers; we will simply refer to “customers.”

§ 111.3. Supplier liability for its agent.

IGS recommends the addition of a paragraph which would require an agent to be separately licensed for each supplier that it represents and that the specific supplier’s licensing number for whom the agent is working is displayed. This would eliminate the potential for an agent who is engaged in marketing/sales activities for one supplier to cause another represented supplier to incur liability for that agent’s violations of the regulations. (IGS p. 2.) PEMC strongly supports the concept that suppliers should be held responsible for the actions of its agents over whom the supplier has responsibility but recommends the establishment of a Commission procedure for the investigation of alleged acts and the factual determination of a violation before a supplier is held responsible. RESA seeks to revise the regulations to eliminate references to state and federal laws so that it is understood that only those violations which fall within Commission jurisdiction to adjudicate are addressed. RESA also re-

quests Commission flexibility when formulating remedies for violations to ensure that appropriate sanctions are imposed. (RESA p. 6.)

IRRC notes that Subsection (a) requires compliance with “federal, state and municipal laws” but the regulation does not specify which state laws, federal laws or federal regulations apply. IRRC asks if this rulemaking is consistent with all of these laws, regulations and ordinances and also recommends that the rulemaking include specific references to local ordinances, state laws, federal laws or federal regulations in this subsections and subsections 111.3(a), 111.3(c), 111.9(b) and 111.10(a).

IRRC also has some concerns with the procedures that would be used to implement this section. IRRC notes that under Subsection (b), suppliers are “. . . responsible for fraudulent, deceptive or other unlawful marketing or billing acts performed by its agent.” (Emphasis added.) IRRC questions why this section includes a reference to billing—what kind of billing activities would an agent perform? IRRC also believes that including the procedures or a cross-reference to the procedures used to investigate the alleged misconduct would improve the clarity and assist with the implementation of the regulation. Additionally, IRRC asks if suppliers are the only parties that could be subject to fines, or could agents also be fined? (IRRC p. 3.)

OCA/AARP and CAC recommend the adoption of § 111.3 without modification.

Resolution

Due to the concerns expressed by RESA and IRRC, we will remove general references to “federal, state and municipal law” in this section and §§ 111.9 and 111.10. We also believe that it is not practical to list all the relevant laws in every instance; but will identify a specific law when appropriate. This in no way indicates that suppliers do not have to respect other federal, state and municipal laws, and as we have previously discussed, these regulations are not intended to supersede or preempt any federal, state or municipal law. Also, while the Commission may not have the direct jurisdiction to enforce federal, state and municipal laws, the Commission does have the means to bring any possible violations that we become aware of to the attention of the appropriate authorities. This includes utilizing the Memorandum of Understanding with the Office of Attorney General that we have previously discussed. Also, in response to the concerns expressed by IRRC, we will remove the reference to “billing acts” from paragraph (b) because agents would not be involved with billing customers.

In response to IRRC’s questions as to which parties are subject to fines, we point out that the supplier is the entity that the Commission licenses and, therefore, it is the licensed supplier that would be fined. As previously discussed, long-standing practice and existing regulations make clear that suppliers are responsible “for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employees [sic], agents or representatives.”⁶

The Commission has available numerous informal and formal resources to investigate and enforce any problems that come to its attention. If a concern cannot be addressed informally by Commission staff, matters can be escalated to a more formal level. The Commission’s independent prosecutory arm, the Bureau of Investigation and Enforcement (I&E), can initiate informal or formal

⁶ See 52 Pa. Code § 54.43(f) for electric; 52 Pa. Code § 62.114(4)(e) for gas.

investigations as needed and can seek penalties for non-compliance, including the suspension and revocation of supplier licenses. See 66 Pa.C.S. §§ 331(a) and 506 and 52 Pa. Code § 3.113. The Public Utility Code at 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code, and the Commission has delegated its authority to initiate proceedings that are prosecutory in nature to I&E and other bureaus with enforcement responsibilities. Delegation of Prosecutory Authority to Bureaus with Enforcement Responsibilities, Docket No. M-00940593 (Order entered September 2, 1994), as amended by Act 129 of 2008, 66 Pa.C.S. § 308.2(a)(11) as amended by Implementation of Act 129 of 2008 Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011). 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code or Commission regulations or both. Section 3301 further allows for the imposition of a separate fine for each violation and each day's continuance of such violation(s).

Additionally, the Commission also has a long-standing MOU with the OAG and under this MOU can refer matters that more appropriately fall under the jurisdiction of the OAG. This could include matters that fall under the Pennsylvania Telemarketer Registration Act and the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

As the competitive energy market evolves, additional regulations and enforcement mechanisms may be developed. Given this, and the number and variety of regulations and enforcement avenues already available, as noted above, we decline to reference all of these in the instant regulations. Referencing them also risks communicating the false impression that the Commission is limited to just those regulations and enforcement methods that are referenced.

§ 111.4. *Agent qualifications and standards; criminal background investigations.*

Some parties believe that the language of this section needs to be strengthened or clarified. NEM and PCADV argue that the phrase "probable health and safety of the public" contained in § 111.4(b) should be modified. NEM believes that the language should comport with federal and state statutory employment guidelines and the screenings should be for convictions that would impact upon and are related to the individual's ability to engage in these types of sales. (NEM p. 5.) PCADV would include additional language which establishes that specific convictions would bar individuals from engaging in these activities. These acts include, but would not be limited to harassment, stalking, terroristic threats, simple assault, aggravated assault, violation of a Protection from Abuse order, and any sexual-related offenses such as indecent exposure, indecent assault, sexual assault, and rape. In addition, PCADV recommends inclusion of inchoate crimes such as solicitation, attempt, and conspiracy to commit any of the aforementioned crimes as those which would prohibit an individual from engaging in door-to-door sales and marketing activities. PCADV would also require anyone who applies for a door-to-door sales position to sign an affirmation regarding the existence of a PFA or similar no-contact order and to affirm that they have no pending criminal charges.

OCA/AARP suggests that the phrase "exercise good judgment" in paragraph (a) is not sufficient and that suppliers should be required to "exercise good judgment

and follow industry standards" as this provides more direction to suppliers. (OCA/AARP p. 9.) OCA/AARP would also like to return the words "comprehensive" and "possible" back into the regulations consistent with Interim Guideline B(1).⁷ OCA/AARP quotes the Commission's interim guideline language in support of this position because "door-to-door sales [are] a particularly sensitive issue given the obvious privacy and safety issues. Everyone has a right of security and privacy in the sanctity of one's home." Interim guidelines at 15. The Interim Guideline word "possible" should replace the proposed regulation's use of the word "probable" because the word "possible" is a different standard than "probable" and better reflects the intent of the criminal background check.

CAC supports criminal background checks of all persons who solicit door-to-door, and recommends that persons convicted of any felony or any offense involving sexual abuse or sexual misconduct be prohibited from conducting door-to-door sales.

DES believes that because of the critical nature of their jobs, agents should be required to submit to drug testing to ensure that they are unimpaired when dealing with customers in their homes.

RESA recommends the substitution of the phrase "ensure that a" for the word "conduct" in § 111.4(a) as it relates to performing criminal background checks so as to eliminate the implication that the background checks were to be done by the supplier only; this change would allow independent vendors to perform background checks and it would mirror the intent of the regulation.

PEMC believes that suppliers have an important obligation to develop standards and qualifications for individuals hired as its agents and this includes criminal background investigations and checking the "Megan's Law" registry. PEMC also believes that these obligations should apply to independent contractors and vendors that perform door-to-door activities.

IRRC believes that the Subsection (a) requirement that a supplier "exercise good judgment" in developing standards and qualifications for individuals it chooses to hire as its agents is vague and does not establish a binding norm and asks that it either be deleted or amended to state what the Commission considers to be "good judgment."

Concerning criminal background investigations, IRRC has four concerns. First, IRRC requests an explanation of why the Commission believes the regulatory standard of "probable" compared to "possible" is adequate to protect the public health, safety and welfare. Second, will suppliers have to perform a second background investigation on agents that have already been hired and do agents need to report any pending criminal charges or convictions? Third, IRRC notes that a commenter has suggested that the regulation be amended to clarify that other parties can conduct the required background checks on behalf of the supplier. If that is the intent of the Commission, then IRRC recommends that the final-form regulation be amended accordingly. Finally, IRRC notes that a commenter states that a typical background check may not be adequate because it will not provide information such as protection from abuse orders. IRRC asks that the Com-

⁷ See Proposed Interim Guidelines For Marketing And Sales Practices For Electric Generation And Natural Gas Suppliers, B(1). ("The suppliers performing door-to-door marketing shall conduct, on all potential door-to-door marketing agents or sales agents, comprehensive criminal background checks and screenings necessary to determine if an individual presents a possible threat to the health and safety of the public.")

mission explain how the evaluation of a potential agent's background in the final-form regulation adequately protects the public's health, safety and welfare.

IRRC notes that under Subsection (c), suppliers must confirm that their independent contractors and vendors have performed criminal background checks on their "employees and agents." IRRC asks why the term "employees" was included in this subsection and is it the Commission's intent to require criminal background checks for all of an independent contractor or vendor's employees?

Resolution

Throughout the working group process that first developed the Interim Guidelines (Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers, M-2010-2185981, November 4, 2010) up to this point of finalizing regulations, agent background checks have been extensively discussed and considered. All the parties appear to recognize the paramount importance such checks have in helping safeguard public health and safety. However, as evidenced by the comments, there is still significant divergence of opinion as to what should constitute a sufficient background check and how they should be used.

While we appreciate the comments of the parties on these matters and have given them careful consideration, we of course must be primarily guided by the laws that govern the use of background checks for screening potential employees. In their review of these proposed regulations, the OAG communicated a number of concerns to the Commission. OAG questioned the Commission's legal authority to create a presumption that "a person whose name is listed on the "Megan's Law" registry presents a threat to the health and safety of the public" and questioned whether this presumption was consistent with the necessity to preserve due process rights of prospective employees. While the OAG advised that the regulation could require the supplier to check the "Megan's Law" listing, they suggested that the Commission adopt language similar to that used in the PUC motor carrier regulation at 52 Pa. Code § 31.134(c) (relating to criminal history; disqualification) that would bar a supplier from hiring as a door-to-door agent any person convicted of a felony or misdemeanor to the extent the conviction relates adversely to that person's suitability to provide service safely and legally. OAG believes that the suggested revised language would more closely track the Criminal History Record Information Act (CHRIA) and would make the regulation less vulnerable to a court challenge. Finally, OAG suggested that the regulation be revised to make clear that the requirements apply equally to both new and existing employees.

By memo to the OAG dated July 21, 2011, the Commission's Law Bureau submitted revised proposed language to the OAG and committed to recommending to the Commission the changes OAG insisted upon. As such, we have accepted OAG's suggested changes and have revised this section accordingly. Consistent with OAG's concerns regarding the due process rights of potential and present employees, we are rejecting IRRC's and others' suggestions that we include "possible" threats as opposed to "probable" threats. Based upon the OAG's advice, we believe the regulation goes as far as it legally is able without creating a potential violation of the due process rights of both existing and prospective employees.

We will remove the phrase "exercise good judgment" in paragraph (a) to address IRRC's concerns that the phrase does not establish a binding norm. Additionally, we have removed proposed language in subsection (b), which will address IRRC's concerns regarding the clarity of the phrase "to determine if the individual presents a probable threat to the health and safety of the public." Also at IRRC's suggestion, we will remove the term "employees" from paragraph (c) because "employees" is unnecessarily broad when we want this to apply only to "agents." We note that we have expanded the definition of "agent" at § 111.2 to include employees, representatives, contractors, subcontractors and vendors, who perform sales and marketing activities, regardless of whether they are directly or indirectly connected to the supplier. However, we decline to adopt the suggestions of DES and PCADV to expand and/or specify precise criminal activities out of concern that such specificity may go against the advice of the OAG and also invites the risk of overlooking activities that are not specifically listed. We also decline to include "pending charges" out of concern that this appears to be contrary to the guidance received from OAG, as discussed above.

In response to IRRC's request that we clarify the ability of other parties to conduct the required background checks, we believe it is not necessary to address this point in the regulation, but will instead clarify it here in this order. There are companies that provide background security check services, and it is indeed possible that a supplier may want to utilize the services of a professional firm that specializes in background checks. We do not object to the use of these services. The important thing is not who performs the check—but that a check is done correctly and in accordance with these regulations. We also note that the supplier is ultimately the party we will hold responsible for the security background check, regardless of the entity that actually performed the check.

§ 111.5. Agent training.

PCADV would add specific customer information confidentiality provisions within the definition of "agent" and include confidentiality as a specific topic of agent training. NEM suggests that inserting "supplier-approved" before "training" in Section 111.5(d) to clarify that the supplier's obligation is to ensure that the vendor or contractor utilizes the supplier's training program.

IRRC notes that while paragraph (a)(1) requires training in state and federal laws, it questions whether this provision should also reference Pennsylvania's Telemarketer Registration Act since it directly relates to agents and to Section 111.10. IRRC also notes that paragraph (a)(2) requires training in "responsible and ethical sales practices" but is concerned that this phrase could be interpreted in different ways. IRRC believes that the Commission should either include in the regulation the specific training required relating to responsible and ethical sales practices or add a citation to the practices the training must include.

IRRC is also concerned that the regulation is not clear regarding the bounds of actions an agent may take when doing door-to-door sales. For example, is it appropriate for the agent to ask to enter the dwelling, or should the agent only enter the dwelling upon the invitation of the customer? Additionally, IRRC thinks that paragraph (a)(10) is broad and suggests adding a cross-reference to the minimum terms and definitions the training must include. A time-frame associated with the record-keeping requirement should also be included in the final-form regulation.

IRRC also has two concerns with agent monitoring. First, IRRC thinks that the term “representative sample” is vague and that a more precise standard should be included in the final regulation. Second, IRRC questions how monitoring of door-to-door sales calls can be accomplished in a manner that ensures the agent is meeting the requirements of this regulation. In the preamble to the final-form regulation, IRRC asks that the PUC explain how a supplier is expected to monitor door-to-door sales and how that monitoring will adequately protect the public health, safety and welfare.

Resolution

We agree with PCADV that customer confidentiality should be a training topic requirement specified in the regulation and we agree with IRRC that Pennsylvania’s Telemarketer Registration Act should be a training requirement for agents engaged in telemarketing. In response to the request that we specify the requirements as to what constitutes “responsible and ethical sales practices” and “bounds of action,”—we believe that complying with the proposed regulations in effect will constitute responsible and ethical sales practices and actions. We will add language to subsection (a)(2) specifying this. To address IRRC’s request for clarification as to the terms and definitions in subsection (a)(10), we will add a reference to the glossary of electric and gas terms on the Commission’s website. We also agree with IRRC in that we should be more specific on the record-keeping requirement in paragraph (b) and will adopt the record-keeping timeframe of three years that is found in the existing regulations at 52 Pa. Code § 57.179 (Record maintenance). In addition, we agree with IRRC that the phrase “representative sample” in paragraph (e) is too vague and we will remove it, along with the word “employees” in (d) because it is superfluous given our expanded definition of agent. We also agree with NEM and will insert “supplier-approved” before “training” to make clear the supplier’s obligation to review and approve the training a vendor provides to its employees.

Regarding the concerns expressed by IRRC as to how the Commission will monitor and enforce these regulations, please see our discussion relating to Sections 111.1 and 111.3.

§ 111.6. Agent compensation; discipline.

Some of the parties that submitted comments on behalf of the utilities and suppliers are in general agreement with the intent of the proposed regulation but have concerns. PEMC believes “that if the Commission seeks to enforce the provision strictly, Commission staff will be faced with a significant burden to evaluate every supplier compensation program for its employees, agents, and contractors. We are concerned that assessment of supplier compensation practices may be an overreach into the legitimate and proprietary business practices of suppliers.” (PEMC page 6); (See also NEM p. 6, “The matter of appropriate and optimal agent compensation structures should be a matter within the purview of the supplier.”)

WGES proposes that the language of the subsection should be limited to prohibiting the supplier from compensating those agents who engage in practices which run counter to those contained in the regulations because “such inappropriate practices should be eliminated through agent selection and training and supplier contacts with agents that bar payment for slamming or defrauding customers.” (WGES p. 2.) RESA opposes the language because “any time any agent violates the regulations, a supplier’s compensation arrangement with the

agent could be viewed as violating this section because the agent is compensated by the supplier.”

RESA also disagrees with the implication that agents who are salaried employees are less likely to violate the regulations than those agents who are paid under a commission compensation scheme. To RESA, the regulations would require a supplier to determine in advance whether a particular compensation arrangement was problematic. RESA would modify the language of § 111.6(a) to hold suppliers liable who “deliberately” design agent compensation program structure[s] which promote, encourage, or reward behavior which runs counter to those practices established by the regulations. (RESA p. 9.) In addition, RESA believes that the language of § 111.6(b) should be clarified to ensure that a supplier educates agents on the Commission’s long standing policy toward slamming and other violations of consumer protections. PEMC believes that Subsection (b) should include a procedure for those instances when an honest mistake is made concerning the transfer of a customer’s account and punish only those who engage in slamming. (PEMC p. 6.)

FES submits that the Commission should allow supplier’s to exercise discretion in setting agent compensation in a way that suits its business model. FES believes that the consequences to suppliers of their agents’ noncompliance are sufficient deterrence against supplier’s promoting illegal behavior.

OCA/AARP strongly supports the proposed language and urges the Commission to implement it without modification. CAC believes that agents engaged in door-to-door activities, regardless of whether they are employees or contracted vendors, should not work on a commission basis but instead should be salaried.

IRRC asks that, given concerns of some parties that contend that compensation structures should be left to their discretion, the Commission should explain the need for this subsection. Also, relating to subsection (b), IRRC has three concerns. First, IRRC asks if this provision would apply to independent contractors and vendors of suppliers, or would those entities have to develop their own internal discipline practices and procedures? Second, IRRC recommends that this subsection include a cross-reference to the PUC’s policies regarding unauthorized transfers. Third, IRRC believes that the phrase “long-standing zero tolerance” and the last sentence of the subsection are both non-regulatory in nature and should be deleted. (IRRC p. 5-6.)

Resolution

Regarding the proposed paragraph (a) and supplier employee compensation, we agree with those parties that suggest that this proposal is unnecessary, over-reaching and too vague and we will remove it. Regarding paragraph (b), we agree with IRRC and will remove the last sentence and the reference to “zero-tolerance” and will instead reference the supplier switching regulations for electric and gas. Concerning IRRC’s question as to the applicability of this section, we note the long-standing practice of holding the licensed supplier responsible “for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employes [sic], agents or representatives.”⁸ We believe this is sufficient notice to all suppliers that they will be held responsible for the actions of any contractors and vendors they utilize.

⁸ See 52 Pa. Code § 54.43(f) for electric; 52 Pa. Code § 62.114(4)(e) for gas.

§ 111.7. *Customer authorization to transfer account; transaction; verification; documentation.*

DES supports the language of the regulation as proposed but would urge the Commission to be flexible given the changing technological environment. For example, one technological change to be considered would be to determine whether allowing electronic signatures for enrollment would be permissible under the regulations. RESA would revise § 111.7(b) to allow an on-site agent to correct any problems with enrollment with the customer's consent. This would avoid the time lag associated with strict adherence to the regulation which would require only contact by phone, letter, or email should a problem arise with verification.

PEMC offers three modifications to § 117(b)(2)(ii). The first would permit an agent to remain in the customer's presence or home to be used as a resource during the verification process; this is done to ensure an informed decision. In order to avoid the perception of undue influence or coaching by the marketer, PEMC suggests that a specific question or set of questions be posed to the customer by the verification agent to show no coaching or influence was present.⁹ If the customer answers any of the questions "no," then this would result in the automatic termination of the verification process. In addition to this modification, PEMC would establish a "safe harbor" provision in the regulation that would permit marketers to adopt an internal policy providing for customers to have the clear option to separate themselves from the agent's vicinity during the verification process. If the customer requests the marketer to leave the customer's home, or the customer chooses to leave the public location following the sale, the agent would be required to comply with the customer's wishes immediately. Lastly, PEMC would include a requirement that the sales agents would not be permitted to have any interaction with the verification agent once the verification process had begun because "once the verification starts, it is the customer who controls the conversation, including whether or not the customer would like to be separated from the sales agent during the verification." (PEMC p. 8.)

PEMC requests the addition of a new provision, § 111.7(5)(vii), which would deal with those suppliers who utilize automated sales verification systems. The companies who utilize these types of verification systems do not have a name or number attached to the record even though the verification is recorded and archived. The recordings would be maintained for six billing cycles and the maintenance of this information would provide reviewers with a record of the verification process. In addition, PEMC requests that the Commission permit the required pieces of information referenced in § 111.7 to be maintained in different databases due to the expense of keeping them in one location. PEMC argues that such a change would be permissible so long as the information would be readily available for Commission review.

FES requests that the Commission reconsider its position with respect to the three-day right of rescission contained in § 111.7(b) and remove the requirement that the customer be provided with a three-day right of rescission during telemarketing calls. Specifically, FES believes that because the customer is provided with the

⁹ Examples of questions would include: "Is the sales agent in your immediate vicinity? Are you aware of your right to not have the sales agent present during this verification process, unless you wish for the agent to be present? Can you verify that you are entering into this sales agreement voluntarily without any undue influence or pressure by the sales agent?" See PEMC p. 7.

right of rescission on two different occasions, the third notification at the end of the verification process might be counterproductive during telemarketing sales as it might be construed as urging the customer to rescind his or her authorization.

OCA/AARP strongly support the proposed section which they believe draws a clear line between the sales agent's personal contact in the home of the consumer and the need for the agent to physically depart before the verification process commences. As such, OCA/AARP urges the Commission to adopt § 111.7(b)(2) without modification. However, OCA/AARP is concerned with the Commission's proposal to not require the verification process when the enrollment is done without the interaction with an agent. OCA/AARP suggest that "there is a need to review the documents and forms used for such enrollments to ensure that the documents are clear, contain all necessary information to ensure that it is only the customer of record making the request, provide all necessary information about the supplier and the process and provide all necessary instructions. This rulemaking process does not provide the forum to review and address any necessary requirements." As such, the OCA/AARP submit that this exception to the verification process should be removed. (OCA/AARP, p. 13.)

CAC also recommends that the verification of sales be required without the agent being present because such verification "is most likely to be independent and free from influence if the sales agent is not present." (CAC, p. 7.)

IRRC has three concerns with subsection (a)(1). First, this subsection states that the process "may" include three specific actions. The use of the word "may" implies that a supplier has the option to use one of the three actions to authorize the transfer. If it is the PUC's intent to require suppliers to use one of the three actions in Paragraphs (i), (ii) and (iii) of Subsection (a)(1), then IRRC suggests "may include" should be replaced with "shall include one of." However, if the Commission intends to allow suppliers to use other processes, the regulation should be amended to clarify this intent. Second, IRRC notes that (a)(1)(ii) and (iii) include a reference to a "program" and asks what this term means. Third, (a)(2) requires the document used to complete the transaction to identify the agent who completed the transaction. However, the documents referenced in Subsection (a)(2)(iii) and (iv) could be completed without the assistance of an agent. IRRC believes that it is unclear how the requirements of these provisions will be implemented and recommends that these provisions be clarified in the final-form regulation. Concerning Subsection (b), IRRC believes that the regulated community would benefit if a specific reference to 73 P. S. § 201-7, Pennsylvania's Unfair Trade Practices and Consumer Protection Law was included in the final regulation. (IRRC p. 6-7.)

Resolution

The transaction verification process required by subsection (b) has been extensively discussed and debated; first in the working group process that developed the Interim Guidelines, and now in the proposed rulemaking. One of the central issues is the role and presence of the sales agent during the verification process. Many parties, including OCA/AARP and CAC believe potential customers should be free of the presence of the sales agent so that the verification is completed privately, thus minimizing the chance of intimidation. However, many suppliers

point to practical problems that this requirement could create and how it allegedly hinders their communication with the potential customer.

We believe there is a way to structure this process so that customers will still be protected, even if agents are allowed to be in their presence during the verification. First, we will include new language stating that the agent is permitted to remain in the vicinity of the customer during the verification process only if the customer agrees. Further, we believe that by concluding the verification process with a reminder to the potential customer of the three-day right of rescission, as proposed in subsection (b)(3), we will provide sufficient safeguards in case the customer feels intimidated or unsure. If a potential customer was feeling too intimidated to ask the agent to leave, or if for any reason is not satisfied with what he or she just agreed to, a customer merely has to exercise his or her three-day right of rescission. This will negate what the customer just agreed to without penalty. Therefore, we decline to accept the suggestion of FES to remove the reminder of the three-day right of rescission from the verification because we believe this requirement is key to protecting the consumer in instances where the agent is present. We will enforce this requirement by using the complaints that customers file with us and will be asking complainants about the presence of the agent during verification. Additionally, we will strengthen this provision by agreeing with IRRC and include a reference in the regulation to the Unfair Trade Practices and Consumer Protection Law.

Concerning IRRC's questions about subsection (a), we agree that this section is unclear and unnecessarily complex. As such, we will shorten and clarify it by simply requiring a supplier to establish either a verbal, written or electronic transaction process for a customer to authorize the transfer of his or her account to the supplier. We also agree with IRRC's concerns with subsection (a)(1) and will add language clarifying that the agent only has to be identified on the document if an agent was involved in the process.

Concerning PEMC's questions about the archiving of records under subsection (4), we respond by noting that we require that the records be maintained in a system that is capable of retrieving them. We will not dictate what kind of system or how many different systems may be involved; these are matters we leave to the discretion of the supplier.

OCA/AARP asks us to include under the verification requirements those transactions that do not include the interaction with an agent. We decline to do this because the main reason for the verification process is to protect against consumers being pressured, possibly intimidated, by the presence of an agent, either in person or on the phone. When a customer is enrolling through a process that does not involve an agent (i.e. direct mail, internet, PaPowerSwitch.com, etc.), these kind of pressures simply do not exist. Without an agent present, the customer is free to take all the time they want to review an offer, compare offers, read all materials and disclosures, and reject or accept the offer without any outside influence or pressure. Accordingly, we think requiring a verification process to confirm such transactions would be superfluous. However, OCA/AARP is correct in pointing out that all the documents involved in direct mail and internet solicitations must contain all of the information necessary for the potential customer to arrive at an informed decision and must comply with all relevant rules governing such transactions.

§ 111.8. Agent identification; misrepresentation.

Subsection 111.8(a) would require supplier-issued identification badges for all door-to-door sales agents or for those who appear at public events to be visible at all times. NEM wants to have the words "public event" defined in the regulations to include those events which may facilitate sales and marketing activities or may result in a customer enrollment. In doing so, this definition would exclude activities such as sporting events that are sponsored by the supplier or agent rallying events hosted by the supplier. OCA/AARP wishes to have this provision amended to require agents to "prominently or conspicuously" display identification badges and "to be on the outer clothing being worn at the time."

OCA/AARP and DES request changes to § 111.8(b) with respect to how an agent identifies the supplier to the potential customer. DES would require the agent to identify the supplier both orally and in writing as opposed to the proposed regulation's requirement that the agent perform the supplier identification either orally or in writing. OCA/AARP would require that the agent's initial identification upon first contact be orally and then a written notification may be provided to the customer to confirm the oral representation made to the customer. In addition to this change, OCA/AARP would broaden § 111.8(c) to avoid any confusion about branding. OCA/AARP would add additional language to eliminate any potential confusion as to who an agent represents by prohibiting any branding elements which might be construed by a customer as working for or approved by a government agency or another supplier. OCA/AARP would remove the "deceptively similar" language in the regulation as being too vague and substitute it with more specific language to capture the intent of the regulation. OCA/AARP would also include a new subsection (f) to require an agent to specifically advise a customer that their failure to choose a supplier will not affect their ability to receive natural gas or electric service.

CAC believes that agent identification cards should include a phone number the potential customer can call to verify that the person soliciting at their door is a legitimate agent. CAC also suggests that agents be required to direct potential customers to PUC and OCA information resources. (CAC, p. 7.)

IGS and RESA would add a new subsection § 111.8(f) in order to avoid confusing customers with the identity of the supplier for whom an agent represents. The new subsection (f) would require those suppliers who have similar names as the distribution company provide disclosures to the customer that explain that the non-affiliated company is not the utility and is not affiliated with the company and disclose the full legal name of the entity providing services that may appear to be similar to the utility. (IGS, p. 2-3.)

IRRC has three concerns with the subsection (a)(3) requirement that the agent's identification number be displayed on the identification badge in a "reasonably sized font." First, IRRC asks if a supplier must assign an identification number to each of its agents and if so, where can that requirement be found? The same concerns apply to business cards in subsection 111.9(d)(2). Second, IRRC asks what is considered a "reasonably sized font" and how will suppliers and agents know if they are meeting this standard? IRRC recommends that a more precise standard be included in the final-form regulation. Finally, IRRC asks how an agent can satisfy the requirement that the identification badge "be visible at all times" and would requiring the identification badge to be "promi-

nently displayed” be an acceptable standard that could be met by the agent while still protecting the public health, safety and welfare?

Concerning the subsection (c) prohibition on an agent from wearing apparel or accessories and carrying equipment that contains branding elements “deceptively similar to that of the local Pennsylvania distribution company” IRRC has two concerns. First, IRRC thinks that the word “deceptively” is unclear and should be deleted from the final-form regulation. Second, the Commission should consider replacing the phrase “Pennsylvania distribution company” with the phrase “any EDC or NGDC” as this would provide greater clarity and would be more consistent with other statutes and regulations. (IRRC, p. 7.)

Resolution

The intent of Section 111.8 is to minimize to the extent possible, the chances of misrepresentation—such as a potential customer being confused as to who they are dealing with because of inadvertent or deliberate actions of a sales agent. Given the relatively new concept of competitive energy shopping and the inexperience of many potential energy customers, confusion is all too possible. In such an environment, it is very easy for a potential consumer to confuse any energy provider with their incumbent energy utility—a confusion that can be contributed to by either inadvertent or deliberate acts of the supplier agent.

Concerning subsection (a), we have already previously discussed and agreed to add a definition of “public event” to Section 111.2 as suggested by NEM (see our discussion relating to Section 111.2 for more information on this change). We agree with CAC that the agent identification card should include the supplier’s phone number so that the potential customer can call the supplier if desired. In response to IRRC’s concerns, we will remove the reference to “identification number” since this requirement is not specified anywhere, and we will remove the phrase “reasonably sized font” as too vague and subjective. In response to IRRC, we also will replace the requirement that the badge be “visible at all times” with the more practical “prominently displayed.”

Concerning subsection (b), we agree with DES and OCA/AARP that agents should be identifying themselves and their company both orally and in writing. However, we decline IGS’s suggestion that suppliers affiliated with distribution utilities should provide additional disclosures to the potential customer as over-scripting. While we understand IGS’s concern, this is more a matter of protecting suppliers rather than consumers. As such, we believe our original proposal including references to the existing codes of conduct at § 54.122 and § 62.142 is the appropriate way to address these concerns. We also decline CAC’s suggestion that agents be required to refer consumers to PUC and OCA information resources as we wish to avoid over-scripting the agents; and inappropriately so in this case, because we would, in effect, be requiring an agent to provide information on the products and prices of competitors. In no other business that we are aware of does government force a business to provide consumers with information on their competitors.

Concerning subsection (c), we agree with OCA/AARP and IRRC, and will remove the word “deceptively” before “similar to that of the local Pennsylvania distribution company.” We will replace this with language prohibiting actions that suggest a relationship that does not exist. Per the request of IRRC, we will also replace the phrase “Pennsylvania distribution company” with the phrase

“any EDC, NGDC . . .” Also, at the request of OCA/AARP, we will strengthen this sentence by adding “government agency or another supplier” in addition to “any EDC or NGDC.” In response to OCA/AARP’s request that we add a subsection (f) requiring agents to specifically advise customers that their failure to choose a supplier will not affect their ability to receive energy service, we will add a subsection (f) that prohibits agents from suggesting to potential customers that they “have to choose” a supplier since this is a point of confusion we hear about from consumers. We think this prohibition is more appropriate than adding yet more scripting.

§ 111.9. Door-to-Door Sales.

Although the Commission adopted a compromise solution in the proposed regulations regarding the time frame for door-to-door sales, several of the commenters request that the Commission revisit the positions they presented during the debate over the Interim Guidelines. Suppliers, in general, believe the proposed timeframes are unnecessarily restrictive. Those advocating an extension of the time frame include RESA (9 a.m. to 9 p.m. from October 1 through March 31), PEMC (9 a.m. to 9 p.m. for the entire year), DES (have the Commission adopt those approved by the North American Energy Standards Board which allow for 9 a.m. to 7 p.m. solicitations with seasonal variations).

However, OCA/AARP suggests that the timeframe be more restrictive (10 a.m. to 7 p.m. or in the alternative 9 a.m. to 7 p.m. year round) because they believe that any contacts after 7 p.m. are too intrusive as families try to spend time together, are engaged in homework, or are preparing for bath or bed time routines. OCA/AARP notes that Connecticut recently adopted the hours of 10 a.m. to 6:00 p.m. for door-to-door marketing.¹⁰

PEMC suggests that the requirement in § 111.9(2) that suppliers notify local officials of door-to-door marketing operations is not necessary and duplicative because when a supplier seeks and is granted a license from the municipality, the supplier is, in effect, informing the municipality of its activities. Additionally, PEMC points out that it may be difficult to identify the “local municipal officials” that would be required by this section. (PEMC, p. 10.)

PEMC and RESA propose that the language of § 111.9(e) be changed to provide flexibility when dealing with individuals who do not use English as their primary language. To alleviate this problem, PEMC and RESA suggest that language be inserted into the subsection that would permit a member of the customer’s household to assist the agent. RESA would require a customer’s affirmative consent and would permit a friend or neighbor to act as translator on behalf of the customer.

In addition, PEMC and RESA are in agreement that § 111.9(f)(3) should be changed to permit an on-site agent to provide the customer with a copy of the disclosure statement as opposed to the mailing requirement contained in the proposed subsection. PEMC believes that the mailing requirement makes sense for telephone sales but not door-to-door sales and RESA believes that to permit an agent to deliver the disclosure statement in this fashion with customer consent would streamline the enrollment process. NEM suggests that if the customer is provided with a copy of the disclosure statement at the time the contract is signed, the supplier should not be

¹⁰ DPUC Review of the Current Status of the Competitive Supplier and Aggregator Market in Connecticut and Marketing Practices and Conduct of Participants in that Market, Docket No. 10-06-24, Decision (Mar. 16, 2011) at Guideline IV(d)(4). See also CT Public Law NO. 11-80, § 113(F)(2)(B), effective July 1, 2011.

required to send another disclosure statement to the customer. NEM thinks this should be made clear by adding “if the disclosure statement has not been previously provided” to the end of § 111.9(f)(3). (NEM, p. 7.)

RESA suggests that the word “cancel” be replaced by the word “rescind” in subsection (f)(4) to make the subsection consistent with the three business day right of “rescission” and to avoid confusing the term with specific contractual rights that the customer may or may not have to “cancel” the contract at any time.

IRRC notes that under 66 Pa.C.S.A. § 2206(c), relating to natural gas competition, the PUC has the statutory directive to:

... by order or regulation, establish requirements that *each natural gas distribution company and natural gas supplier provide adequate, accurate customer information to enable retail gas customers to make informed choices* regarding the purchase of *all natural gas services* offered by that provider. Information shall be provided to retail gas customers in an *understandable format* that enables retail gas customers to compare prices and services on a uniform basis. (Emphasis added.)

IRRC adds that similar requirements relating to the electric industry are specified in 66 Pa.C.S.A. § 2807(d)(2) and that some parties have questioned whether door-to-door sales will provide the customer with the information needed to make an informed choice how door-to-door sales can be adequately monitored. IRRC believes that these are valid points and that the Commission should explain how the final-form regulation will ensure that customers, when solicited by door-to-door agents, will receive “adequate, reliable customer information,” “in an understandable format” to enable customers to make informed choices, consistent with the statute. IRRC also asks the Commission to thoroughly explain its consideration and resolution of the comments that raise safety concerns with door-to-door sales and explain how the final-form regulation will adequately protect the public health, safety and welfare. Concerning the hours that door-to-door marketing or sales activities can occur, the Commission should explain how it chose the hours specified in the final-form regulation and why those hours represent the most reasonable hours for both the customer and the agents.

IRRC has two concerns with the paragraph (a)(2) requirement that a supplier notify local municipal officials “in advance of its schedule.” First, notification “in advance” does not impose a specific time requirement. Second, the provision does not require notice if the schedule changes. IRRC recommends amending paragraph (a)(2) to specify a timeframe for the advance notice and also notification if the schedule changes.

Regarding the subsection (e) requirements relating to language skills, IRRC sees an overall need to address the circumstance where the agent and customer cannot communicate because 66 Pa.C.S.A. §§ 2206(c) and 2807(d)(2) require information to be in an understandable format. After it is established the agent and customer cannot communicate, IRRC questions the need, reasonableness and effectiveness of continued contact and questions the use of “translation services, electronic language translation devices and language identification cards,” as excessive and impractical, particularly when there are other methods for a customer to be aware of and participate in customer choice. IRRC is also concerned with this provision as proposed in that it restricts the initial conversa-

tion to English and addresses the “customer’s English language skills” and questions whether a supplier, who is familiar with a demographic area, should be allowed to initiate conversations in a language other than English that is prevalent in that area. As such, IRRC, recommends deleting the word “English” so there is flexibility in what language is used first. IRRC questions the use of the word “shall” in paragraph (e) and also suggests, to be consistent with Section 111.11, replacing the word “cancel” with the word “rescind” in paragraph (f)(4).

IRRC supports subsection (g) but questions whether it is too narrow. For example, if a customer says they are not interested, under the regulation, the agent would not have to leave the premises. IRRC suggests that the provision be broadened to require the agent to leave the premises if requested to do so by the customer or if the customer expresses no interest in the product being sold. Finally, concerning subsection (h), IRRC suggests adding language to state within what time-frame the annotating of the database must occur. (IRRC, p. 8-10.)

Resolution

The time of day in which door-to-door marketing must cease was a central topic of the working group that developed the current Interim Guidelines and continues to be a debated topic in this rulemaking. The current Guidelines and the proposed regulation reflect a “compromise” between those parties, mostly suppliers, who wanted an expanded timeframe, and those parties, mostly consumer groups, who wanted a more restrictive timeframe. Part of this “compromise” was to create the seasonal variation that is reflected in the proposal between “summer” hours and “winter” hours. Upon careful review of the comments submitted in this ongoing debate, we conclude that we have heard no new or unique argument that convinces us to alter our original proposal. We continue to believe that a seasonal variation, with the 7 p.m. end time between October and March and the 8 p.m. end time between April and September is a reasonable “middle ground” that adequately protects consumer safety and privacy while providing suppliers with sufficient time to market their services. We reject suggestions that we expand the permitted time to 9 p.m. as we believe it is simply too intrusive upon households that expect an increased measure of privacy later in the evening. Likewise, we reject suggestions that restrict the permitted time to 6 p.m. as too limiting; with many potential customers only arriving home from work at 5 p.m. or 6 p.m. We also want to note that when we limit the activities to 7 p.m. or 8 p.m., we are saying that new customer contacts are prohibited after that time. Sale presentations that are already underway when the end-hour is reached are permitted to continue. We also want to emphasize that per subsection (a)(1), municipalities may have restrictions on hours that are more restrictive than outlined in this regulation—and, if so, the more restrictive timeframes in the municipal ordinance apply.

We agree with PEMC that notifying local officials is a duplicative requirement because when a supplier seeks a license from the municipality, the supplier is, in effect, informing the municipality of its activities. We also question the appropriateness of such “courtesy” requirements in binding regulations. This will make moot IRRC’s request that we specify timeframes for such notifications, including schedule changes.

Concerning the language provisions in subsection (e), we agree with IRRC and will remove the reference to “English” in the first sentence. We also agree with IRRC that the sales transaction should end if there is a

language barrier present. As such, we must reject the request of PEMC and RESA to expand the use of translators and translation services.

Concerning subsection (f), we agree with PEMC, RESA and NEM and will amend subsection (f)(3) to require the sending of a disclosure statement only if it has not already been provided. The written disclosure statement is a key consumer protection that helps ensure that the customer is receiving accurate customer information in an understandable format that is sufficient for the customer to make informed choices regarding the purchase of competitive energy products offered by suppliers. The electric disclosure regulations at 52 Pa. Code § 54.5 and the analogous gas disclosure regulations at 52 Pa. Code § 62.75 require that new customers receive, in writing, a disclosure that includes:

- The rate, fixed or variable. If variable, the conditions upon variability.
- Length of agreement.
- Explanation of sign-up bonuses, incentives, promotions, special services, etc.
- Cancellation and renewal provisions.
- Contact information for the supplier, the utility, and the PUC.
- Explanation of penalties, fees and exceptions in a larger font size.
- A three-day right of rescission without penalty and information on how to exercise the right of rescission.
- A statement directing the consumer to the PUC if they have a problem or concerns with the supplier.
- A statement explaining that while distribution charges are regulated by the PUC and transmission charges are regulated by FERC, generation charges are set by the supplier chosen by the customer.

With regard to those commenters who suggest that we should prohibit door-to-door sales because they believe a consumer cannot make an “informed” choice based upon information provided by only one representative, we must point out that we have been sponsoring extensive consumer education efforts since retail choice became available. Our customer information regulations (52 Pa. Code §§ 54.1–54.9 for electric and 52 Pa. Code §§ 62.71–62.80 for gas) include numerous provisions intended to provide consumers with the information they need about their energy choices, including:

- Supplier pricing, including a requirement that advertised prices must equal the price in the disclosure which then must also equal the price on the bill.
- Use of common and consistent terminology in customer communications, including marketing, billing and disclosure statements.
- Bill format requirements that include itemization and defining of charges; pricing in standard pricing units; 12-month usage histories and averages; company contact information; and a statement that the PUC regulates distribution rates, FERC regulates transmission rates, and generation rates are set by the supplier chosen by the customer.
- Requirements that electric suppliers have information available to customers on generation supply sources including documentation to support claims of renewable energy and prohibitions on using vague, unsubstantiated claims of environmental benefits.

- Customer information privacy requirements.
- Complaint handling procedures.

Additionally, the Commission has overseen an extensive consumer education process that includes utility efforts and Commission-funded efforts. For the most recent example of the Commission’s consumer education efforts, please see the Investigation of Pennsylvania’s Retail Electricity Market: Intermediate Work Plan, Docket No. I-2011-2237952, Order entered March 2, 2012. Of course our most important consumer education tool is the Commission’s electric-shopping website, www.papowerswitch.com. This website includes information on:

- Switching power and what you are switching.
- Understanding your bill.
- Choosing an electric supplier.
- Your rights and protections.
- How to shop for electricity.
- Current supplier offers and online enrollment.
- Clean energy suppliers.
- Shopping worksheet.
- Questions to ask.
- Help paying your bill; assistance programs.
- Ways to save energy.
- Renewable energy questions.
- Frequently asked questions.
- Glossary of common electric competition terms.
- Contact information for suppliers and utilities, including web links and telephone numbers.
- Contact information for the PUC.
- Customer shopping statistics.

We believe that these consumer education efforts and existing regulations, augmented by the proposed regulations in this instant rulemaking, fulfill the Commission’s obligations under 66 Pa.C.S.A. §§ 2206(c) and 2807(d)(2) to make sure that customers have the information they need to successfully navigate the competitive energy market.

Also concerning subsection (f), we agree with RESA and IRRC and will replace the word “cancel” with “rescind” in (f)(4), since that is the more appropriate term to describe what the customer is doing. “Rescinding” a contract within the three-day rescission period is indeed different from “canceling” a contract. We will also amend subsection (f)(2) to align this provision with the changes we are making at Section 111.7.

Concerning subsection (g), we agree with IRRC and will strengthen this sentence by adding that the agent should leave the premises if the potential customer expresses no interest in what is being sold. We will also, per IRRC’s request, add language to subsection (h) specifying that a supplier should annotate, within two business days, existing marketing and sales databases with requests to be exempted from further sales contacts.

Regarding the concerns expressed by IRRC as to how the Commission will monitor and enforce these regulations, please see our discussion relating to §§ 111.1 and 111.3.

We will also delete language in subsection (f)(2) that is duplicative of language at § 111.7(b)(2)(i).

§ 111.10. *Telemarketing.*

RESA believes that subsections (a)(1) and (2) should be consolidated into one section with the burden of ensuring compliance for these non-Commission requirements to be left with the suppliers and their agents because “the Telemarketer Registration Act is within the jurisdiction of the Attorney General and is subject to change and interpretation by the Attorney General’s Office.” (RESA, p. 13.)

OCA/AARP recommends that subsection (b) should mirror the language of § 111.9(d)(1) in that the agent should provide his first name and the supplier name he/she represents immediately after greeting the potential customer. Moreover, the agent should be required to provide the same information to the customer regarding agent identification as contained in the door-to-door regulations. Telephone agents should advise potential customers of who they specifically represent and clearly state they are not representing any other entity.

NEM and PEMC recognize the common telemarketing practice of an agent providing a fictitious name in order to protect the identity of the agent for security reasons. NEM requests that the Commission modify Subsection § 111.10(b) to permit this practice to continue. PEMC agrees with NEM’s request but would do so only if the fictitious name is directly assigned to a specific agent/individual.

IRRC notes that paragraphs (a)(1), (2) and (4) place in PUC regulation requirements under the Telemarketer Registration Act and asks if the PUC has established a Memorandum of Understanding with the Attorney General. The Commission should explain how it will enforce this provision. IRRC also recommends adding to subsection (b) the same or similar requirement for agent identification as paragraph 111.9(d)(1). Finally, IRRC notes that paragraph 111.9(d)(1) requires the door-to-door salesperson to “state he is not working for and is independent of the local distribution company or another supplier” and asks why isn’t this included in subsection (b).

Resolution

We agree with OCA/AARP and IRRC and will revise subsection (b) to substantially reflect the analogous language in § 111.9(d) so that the telemarketing agent will identify himself to the potential customer the same as a door-to-door agent would have to do. We decline to address the use of fictitious names in the regulation as requested by NEM and PEMC, but will note here that we agree with PEMC that the use of fictitious names is acceptable, but only if the fictitious name is attributable to a specific agent that can be identified if needed. In response to IRRC’s and RESA’s concerns about enforcing the state telecommunication laws that are cited in this section, we again note that the Commission has a long-standing MOU with the OAG. Under this MOU, the Commission can refer matters that come to the Commission’s attention but are more appropriately handled by the OAG due to jurisdictional concerns. As the competitive energy market continues to evolve, additional regulations and enforcement mechanisms may be developed. Given this possibility, we decline to reference all of the applicable regulations. Referencing them also risks communicating the false impression that the Commission is limited to just those regulations and enforcement methods that are referenced.

The OAG had concerns with the use of the word “intent” in paragraph (a)(4) and suggested the word “request” replace it. We have made this revision.

§ 111.11. *Receipt of disclosure statement and right to rescind transaction.*

RESA proposes that the phrase “and is not submitted to the verification process” be removed from subsection (a) as it would not be necessary if RESA’s proposed definition for “verification process” is adopted. This would be consistent with RESA’s suggested exclusion from verification process for non-agent transactions set forth in § 111.7(b). In addition, RESA recommends the last sentence of subsection (b) become new paragraph (c) because in addition to regular mail, a customer could receive a disclosure statement online or via electronic mail. RESA would add additional paragraphs (d) (online enrollment process) and (e) (electronic mail) that would create a rebuttable presumption of receipt of disclosure statement if the customer agrees to receive the disclosure statement in that fashion.

OCA/AARP has concerns about recent changes proposed by the federal government to the guaranteed delivery time of the United States Postal Service and this would make the three day rebuttable presumption language of subsection 111.11(c) inappropriate. OCA/AARP suggests that the Commission consider removing the language or to extend the timeframe beyond three days.

IRRC notes that subsection 111.12(c) cross-references 52 Pa. Code §§ 54.5(d) and 62.75(d), which address disclosure statements and asks why these weren’t cross-referenced in Section 111.11. Also, given that subsection (c) addresses receipt of a disclosure statement by mail, IRRC states that the regulation should also provide similar requirements for electronic delivery of disclosure statements. (IRRC, p. 10.)

Resolution

We agree with IRRC and will include references to the electric and gas disclosure regulations, 52 Pa. Code §§ 54.5 and 62.75. We also agree with IRRC and RESA about inserting language addressing the electronic provision of disclosures. However, we decline to modify the three-day mailing timeframe as requested by OCA/AARP. While we understand their concern with possible U.S. Postal Service changes to mail delivery, these possible changes are only speculative at this point. If the U.S. Postal Service makes changes in the future that could impact this timeframe, we can revisit the matter.

§ 111.12. *Consumer protection.*

CAC urges the Commission to adopt the language of § 111.12 and to have the Commission maintain a “Do Not Call” list with respect to door-to-door solicitations. OCA/AARP urges the Commission to adopt the language of § 111.12. OCA/AARP also asks that the provisions of the marketing guidelines at Guideline M(2)¹¹ be included in the regulations, possibly as part of § 111.12. IRRC makes this same point.

¹¹ Guideline M(2) states: 2. “Suppliers shall: a. Not engage in misleading or deceptive conduct as defined by State or Federal law, or by Commission rule, regulation or order; b. Not make false or misleading representations including misrepresenting rates or savings offered by the supplier; c. Provide the customer with written information about the products and services being offered, upon request, or with contact information (phone number, website address, etc.) at which information can be obtained[;] d. Provide accurate and timely information about services and products being offered. Such information shall include information about the rates being offered, contract terms, early termination fees and right of cancellation and rescission[;] e. Ensure that any product or service offerings that are made by a supplier contain information, verbally or written, in plain language that is designed to be understood by the customer. This includes providing written information to the customer in a language in which the supplier’s representative has substantive discussions with the customer or in which a contract is negotiated.” See Interim Guidelines, Annex A at 12.

RESA seeks clarification of the two separate issues of “rescission” and the federal “cooling off period.” RESA suggests that the language of subsection (c) include the qualifying language that the three-day right of rescission and the federal cooling off period may run concurrently.

Resolution

We agree with OCA/AARP and IRRC and will include in this section the provisions section M(2) of the current Interim Guidelines. Per RESA’s request, we will include language clarifying that the three-day rescission period (See 52 Pa. Code §§ 54.5 and 62.75) and the federal “cooling off” period can run concurrently. We decline to adopt CAC’s suggestion that the PUC maintain a list of customers who do not want door-to-door solicitations, similar do the telemarketing “Do Not Call” lists. These regulations provide for sufficient protections for consumers who object to door-to-door solicitations. This includes the provisions in Section 111.9 that require an agent to immediately leave the residence when requested and for suppliers to respect all requests not to be visited and documenting their marketing databases noting such requests. We again point out that many municipalities have ordinances restricting or even prohibiting door-to-door activity, and that these local ordinances must be followed.

§ 111.13. *Customer complaints.*

PEMC requests that the last sentence of § 111.13(b) include language that would allow the retrieval of the record be satisfied by “customer name, account number or any other effective means in order to obtain access to the information.” (PEMC, p. 10.) RESA recommends that subsection (d) include a sentence that would encourage a customer to contact the company to resolve a dispute prior to seeking assistance from the Commission. OCA/AARP urges the adoption of § 111.13 without modification.

Resolution:

We agree with PEMC and will add “or any other effective means in order to obtain access to the information” because how the information is retrieved is not important; just that it is retrievable. Concerning RESA’s suggestion that we encourage customers to first contact the company to resolve disputes before seeking assistance from the Commission, we note that the general practice of the Commission’s call center is to first refer the customer back to the company if they have not previously contacted the company about the disputed matter. However, we are reluctant to codify this practice because there are exceptions where this is not appropriate. For example, in cases of slamming, we do not think it is appropriate to force the customer to go back to the entity that allegedly slammed them,—in part because the customer may not even have contact information for said entity. Likewise, if the complaint includes allegations of egregious door-to-door marketing activities,—that is something Commission staff will want to hear about, and the customer should not simply be referred back to the company that is the subject of the allegations.

§ 111.14. *Notification regarding marketing or sales activity.*

OCA/AARP support the adoption of § 111.14(a) and (b) without modification.

Many parties representing suppliers and energy marketing associations disagree with the mandatory language contained in § 111.14(b) and (c). NEM notes that the

proposed regulation differs from the guidelines in that it requires the supplier to provide the utility with information while the guidelines did not require this. NEM urges the Commission to reserve the decision to share this information with the utility to the supplier’s business discretion. While DES supports “encouraging” suppliers to provide information to EDCs, it believes that they should not be required to do so. DES believes that any such notification should occur no later than the morning of the commencement of the marketing activities.

PEMC feels that the language of § 111.14(b) should be changed from “shall” to “shall be encouraged” to provide the information necessary to help utility customer service representatives understand who the supplier is and what the supplier does. (PEMC, p. 11.) RESA would change the word “shall” to “should” and have the local distribution company direct the customer to the appropriate supplier for information.

Concerning § 111.14(c), some parties suggested that the proposed subsection may conflict with the Commission’s desire to encourage customer shopping. FES believes that “an EDC should not use customer contacts regarding supplier options to market its own price and terms unless that information is specifically requested by the customer during the call . . . any specific questions about supplier-related questions should be referred to the supplier [and] any questions about supplier choice should be referred to the Commission’s website at PAPowerSwitch.com.” (FES at 5)

OCA/AARP believes that proposed § 111.14(c) may conflict with an established Commission order set forth in the Retail Markets Investigation.¹² OCA/AARP notes that the programs being considered in the current Retail Markets Investigation require an EDC’s customer service representative (CSR) to explain the program to the customer and this would include EGS pricing under the program. OCA/AARP would include language in the subsection that would permit a distribution company to provide information regarding a supplier’s prices and terms when it was part of one of these programs.

FirstEnergy is also concerned with a possible conflict between § 111.14 and the referral programs that may result from the Commission’s orders in its Retail Markets Investigation. As such, FirstEnergy requests that the Commission include an exception in § 111.14 for calls related to an EDC’s customer referral program.

IRRC notes that Subsection (a) requires a supplier conducting marketing or sales activities “that the supplier anticipates may generate phone calls and inquiries to the Commission” to notify the PUC’s Bureau of Consumer Services. IRRC finds this requirement to be unclear and subjective and questions how it could be enforced. IRRC asks the Commission to review this provision and clarify its intent.

Resolution

Supplier notification to utilities and to the PUC of their marketing efforts was a controversial and much-debated subject during the development of the Interim Guidelines, and that controversy continues into this rulemaking. Upon careful consideration of the comments, we are persuaded that the sweeping nature of the proposed rule is not appropriate or needed at this time. We also agree

¹² See Investigation of Pennsylvania’s Retail Electricity Market: Intermediate Work Plan, Docket Number I-2011-2237952, Order entered March 2, 2012.

with IRRC that the proposal was somewhat subjective and would be difficult to enforce. We think a more careful, narrowly-targeted rule would be more objective, easier to enforce, and more effective in addressing our primary concerns. Our primary concern in promulgating these regulations is allowing the use of door-to-door marketing to sell energy services and making sure that public safety and privacy is protected and that consumers are receiving the information they need to make informed energy choices. Since our primary concern is door-to-door marketing, we will revise this section to require the notification of marketing activities to only door-to-door marketing activities.

Requiring suppliers to report this information to the Commission will assist the Commission in monitoring the amount of door-to-door activity and track any resulting complaints or concerns. This will also assist the Commission with enforcing the instant regulations. Commission staff will be able to compare the complaints concerning door-to-door marketing efforts with the notices received by the Commission to make sure that the Commission is indeed being notified appropriately. Commission staff will also be able to use this information to respond to questions from local and state officials about activities going on in their communities. Notifying the local utility of their door-to-door activities is appropriate because it is likely that consumers, possibly out of confusion, may contact the utility about agents selling energy services. This narrower requirement is also more practical. With approximately thirty suppliers serving residential consumers in the PECO and PPL service territories alone, requiring notification of all marketing activities (phone, direct mail, internet, etc.) could overburden both the Commission and the utilities with notices. This risks creating an unmanageable burden, with important matters, such as door-to-door activities that should receive greater attention, being buried among a stack of less-urgent notices.

We agree with OCA/AARP and FirstEnergy, and have included an exception to paragraph (c) to make allowances for referral programs or any Commission-sanctioned program that requires utilities to discuss supplier rates and terms. Such programs may become part of the competitive landscape in the coming years and we want to ensure these regulations are flexible enough to accommodate them.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 11, 2011, the Commission submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 5624 (October 22, 2011), to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on May 15, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 16, 2013, and approved the final-form rulemaking.

Conclusion

Accordingly, pursuant to sections 501, 504, 1501, 1504, 2206(b), 2208(b) and (e), 2807(d)(1) and 2809(b) and (e) of the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 1501, 1504, 2206(b), 2208(b) and (e), 2807(d)(1) and 2809(b) and (e); sections 201 and 202 of the Act of July 31, 1968, P. L. 769 No. 240, 45 P. S. §§ 1201 and 1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P. S. § 732.204(b); section 745.5 of the Regulatory Review Act, 71 P. S. § 745.5; and section 612 of the Administrative Code of 1929, 71 P. S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231—7.234, the Commission proposes adoption of the final-form regulations establishing best practices for marketing and sales activities for electric and natural gas suppliers serving residential customers, as noted and set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code, are amended by adding §§ 111.1—111.14 to read as set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. The Secretary shall submit this order and Annex A to the Governor’s Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by IRRC.
5. The Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
6. The regulations in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.
7. The contact person for technical issues related to this rulemaking is Dan Mumford, Manager—Informal Compliance and Competition, Bureau of Consumer Services/Office of Competitive Market Oversight, (717) 783-1957. That the contact person for legal issues related to this rulemaking is Lawrence F. Barth, Assistant Counsel, Law Bureau, (717) 772-8579. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3067 (June 1, 2013).)

Fiscal Note: Fiscal Note 57-283 remains valid for the final adoption of the subject regulations.

Attachment

MEMORANDUM OF UNDERSTANDING

This *Memorandum of Understanding* is made this 5th day of February 1998, by and between the Pennsylvania Office of Attorney General (herein “OAG”) and the Pennsylvania Public Utility Commission (herein “PUC”).

Whereas, on December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §§ 2801—12

(herein "Electricity Competition Act"). The purpose of the Electricity Competition Act is to open up competition in the electric utility industry by giving all retail customers the ability to buy electric generation from their choice of electric generation suppliers.

Whereas, section 2809 of the new law gives the PUC the authority to license electric generation suppliers and section 2811 empowers the PUC to monitor the supply and distribution of electricity to retail customers to prevent anticompetitive or discriminatory conduct, and to prevent the unlawful exercise of market power.

Whereas, section 2811 also gives the PUC authority to conduct investigations, upon complaint or its own motion, and to refer its findings to the OAG or appropriate federal agencies whenever it has reason to believe that "anticompetitive or disciplinary conduct, including the unlawful exercise of market power is preventing the retail electricity customers in this Commonwealth from obtaining the benefits of a properly functioning and workable competitive retail electricity market."

Whereas, the potential now exists for electric generation suppliers to engage in unfair or deceptive marketing practices and other anticompetitive or discriminatory conduct, the PUC adopted internal procedures for handling electric competition complaints under section 2811, including appropriate referral procedures, which became effective August 8, 1997.

Whereas, both the PUC and the OAG recognize that other disputes related to terms, conditions and adequacy of service of a contractual nature often involve dual jurisdiction between the PUC under its service standards provision contained in 66 Pa.C.S. § 1501, and the OAG under Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1—209-6, the Plain Language Consumer Contract Act, 72 P.S. §§ 2201—12 and the Federal Trade Commission Act, 15 U.S.C. §§ 41—58.

Whereas, the OAG has enforcement authority under Pennsylvania's Unfair Trade Practices and Consumer Protection Law and the federal antitrust laws, 15 U.S.C. §§ 1, et seq., to challenge unfair or deceptive marketing practices, terms-of-service provisions, and other anticompetitive or discriminatory conduct engaged in by electric generation suppliers.

Whereas, for both terms, conditions and adequacy of service complaints and section 2811 complaints, the PUC has authority under the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., to initiate proceedings to develop guidelines, policy statements or regulations to address an industry-wide issue or to file a section 701 complaint seeking a cease and desist order (or any other relief authorized by law) where more immediate and company-specific action is warranted.

Whereas, it would be mutually advantageous for the PUC and the OAG to develop interagency protocol procedures to maximize the ability of the OAG to obtain effective and adequate relief on behalf of consumers who have been injured by violations of the state consumer protection or federal antitrust laws and the PUC to develop, in appropriate cases, guidelines, policy statements or regulations to address industry-wide problems or obtain cease and desist orders for specific violations of the Public Utility Code.

Now, Therefore, the PUC and the OAG agree that the following protocol shall apply whenever the PUC or the OAG receive a complaint alleging unfair or deceptive

marketing practices, terms-of-service disputes, or other anticompetitive or discriminatory conduct engaged in by electric generation suppliers.

1. The agency that receives the original complaint will endeavor to complete its initial review in a prompt and timely manner.

2. At the completion of its initial review, the reviewing agency shall refer the complaint and its findings to the other agency for review and possible action if the original reviewing agency believes that the matter complained of is within the authority and jurisdiction of the other agency.

3. The PUC and the OAG agree to provide each other with periodic status reports, as appropriate, of any investigation begun because of a referral pursuant to this protocol procedure, including a final report when the investigation is completed or closed.

4. The PUC and OAG agree to meet informally on a quarterly basis to discuss matters of common interest and to share statistical information or data and/or activity reports generated by either agency summarizing terms-of-service and/or electric competition complaints handled by that agency during the applicable reporting period.

5. In referring complaints or providing status reports to the other agency, the investigating agency should not disclose any information that is protected by a confidentiality agreement, order, or law unless a waiver has been obtained from the party protected by the agreement, order, or law.

6. Nothing in this protocol shall require or prohibit either the PUC or the OAG from initiating any informal or formal action at the conclusion or its own investigation that it would be authorized to bring under any existing law.

7. Nothing in this protocol shall require, prohibit, or otherwise restrict the PUC's Bureau of Consumer Services from continuing to handle individual complaints concerning account eligibility criteria, credit and deposit practices, account billing, and termination disputes consistent with the existing policies and procedures set out in Chapter 56 of the Pa. Code, Title 52.

8. Nothing in this protocol shall require, prohibit, or otherwise restrict the OAG from continuing to handle individual complaints concerning unfair trade practices, consumer protection law violations, or antitrust law violations.

This agreement may be modified or terminated only upon written agreement of the PUC and the OAG.

Pennsylvania Public Utility Commission

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
John Hanger, Commissioner
David W. Rolka, Commissioner
Nora Mead Brownell, Commissioner

Pennsylvania Office of Attorney General

D. Michael Fisher, Attorney General

The undersigned have reviewed and approved the foregoing Memorandum of Understanding:

Counsel, Public Utility Commission

Comptroller, Public Utility Commission

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart F. COMPETITIVE MARKETS

CHAPTER 111. MARKETING AND SALES PRACTICES FOR THE RETAIL RESIDENTIAL ENERGY MARKET

Sec.	
111.1.	General.
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111.4.	Agent qualifications and standards; criminal background investigations.
111.5.	Agent training.
111.6.	Discipline.
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111.9.	Door-to-door sales.
111.10.	Telemarketing.
111.11.	Receipt of disclosure statement and right to rescind transaction.
111.12.	Consumer protection.
111.13.	Customer complaints.
111.14.	Notification regarding marketing or sales activity.

§ 111.1. General.

The purpose of this chapter is to establish standards and practices for marketing and sales activities for EGSs and NGSs and their agents to ensure the fairness and the integrity of the competitive residential energy market. EGSs and NGSs and their agents shall comply with these standards and practices when engaged in sales and marketing activities involving residential customers. When these standards and practices do not address a specific situation or problem, the supplier shall exercise good judgment and use reasonable care in interacting with customers and members of the public.

§ 111.2. Definitions.

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

Act—Telemarketer Registration Act (73 P. S. §§ 2241—2249).

Agent—A person who conducts marketing or sales activities, or both, on behalf of a licensed supplier. The term includes an employee, a representative, an independent contractor or a vendor. The term also includes subcontractors, employees, vendors and representatives not directly contracted by the supplier who conduct marketing or sales activities on behalf of the supplier.

Commission—The Pennsylvania Public Utility Commission.

Customer—A natural person in whose name a residential EDC, NGDC, EGS or NGS service account is listed and who is primarily responsible for payment of bills rendered for the service.

Disclosure statement—A written disclosure of the terms of service between a supplier and a customer that satisfies the definition of “consumer contract” in section 3 of the Plain Language Consumer Contract Act (73 P. S. § 2203) containing information as required in, and developed consistent with, § 54.5 (relating to disclosure statement for residential and small business customers) for electric generation service and § 62.75 (relating to disclosure statement for residential and small business customers) for natural gas supply service.

Distribution company—An EDC or an NGDC.

Door-to-door sales—A solicitation or sales method whereby an agent proceeds randomly or selectively from residence to residence.

EDC—*Electric distribution company*—The term as defined in 66 Pa.C.S. § 2803 (relating to definitions).

EGS—*Electric generation supplier*—The term as defined in 66 Pa.C.S. § 2803.

Electric generation service—Electricity and related services.

Energy service—Electric generation service or natural gas supply service.

NGDC—*Natural gas distribution company*—The term as defined in 66 Pa.C.S. § 2202 (relating to definitions).

NGS—*Natural gas supplier*—The term as defined in 66 Pa.C.S. § 2202.

Natural gas supply services—The term as defined in 66 Pa.C.S. § 2202.

Public event—An event in a public location which may facilitate sales and marketing activities or may result in a customer enrollment transaction.

Sales and marketing—The extension of an offer to provide services or products communicated orally, electronically or in writing to a customer.

Supplier—An EGS or an NGS.

Telemarketing—An activity, plan, program or campaign using one or more telephones that is conducted to induce customers to purchase goods or services. See section 2 of the act (73 P. S. § 2242), regarding definitions.

Transaction—A process by which a customer authorizes the transfer of his account to the supplier.

Transaction document—Contracts and forms used by a supplier to enroll a customer for service.

Verification—Customer validation of his intent to enter into a contract and receive service from a supplier.

Verification process—An action by means of written, audio or electronic documentation by which a customer validates his intent to enter into a contract and receive service from a supplier.

§ 111.3. Supplier liability for its agent.

(a) A supplier may use an agent to conduct marketing or sales activities in accordance with applicable Commission rules, regulations and orders.

(b) In accordance with § 54.43(f) (relating to standards of conduct and disclosure for licensees) for an EGS and § 62.114(e) (relating to standards of conduct and disclosure for licensees) for an NGS, a supplier is responsible for fraudulent, deceptive or other unlawful marketing acts performed by its agent.

(c) Consistent with due process, for violations committed by the supplier’s agent, the Commission may:

- (1) Suspend or revoke a supplier’s license.
- (2) Impose fines for fraudulent acts, violations of Commission regulations and orders.

§ 111.4. Agent qualifications and standards; criminal background investigations.

(a) A supplier shall develop standards and qualifications for individuals it chooses to hire as its agents. A supplier may not hire an individual that fails to meet its standards.

(b) A supplier may not permit a person to conduct door-to-door sales and marketing activities until it has obtained and reviewed a criminal history record from the Pennsylvania State Police and from every other state in which the person resided for the last 12 months. For a current employee or agent who conducts sales and marketing activities, a supplier shall obtain a criminal history record by September 27, 2013.

(1) The criminal background investigation shall include checking the sex offender registry commonly referred to as the "Megan's Law" registry maintained by the Pennsylvania State Police.

(2) A supplier may not hire a person as an employee or an agent for door-to-door marketing or sales who was convicted of a felony or misdemeanor when the conviction reflects adversely on the person's suitability for this type of employment.

(c) When a supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background investigations on an agent accordance with this section and with the standards set by the supplier.

§ 111.5. Agent training.

(a) A supplier shall ensure the training of its agents on the following subjects:

(1) State and Federal laws and regulations that govern marketing, telemarketing, consumer protection and door-to-door sales, including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice), applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service) and the act.

(2) Responsible and ethical sales practices as described in this chapter.

(3) The supplier's products and services.

(4) The supplier's rates, rate structures and payment options.

(5) The customer's right to rescind and cancel contracts.

(6) The applicability of an early termination fee for contract cancellation when the supplier has one.

(7) The necessity of adhering to the script and knowledge of the contents of the script if one is used.

(8) The proper completion of transaction documents.

(9) The supplier's disclosure statement.

(10) Terms and definitions related to energy supply, transmission and distribution service as found in the dictionary of utility terms on the Commission's web site at www.puc.pa.gov.

(11) Information about how customers may contact the supplier to obtain information about billing, disputes and complaints.

(12) The confidentiality and protection of customer information and §§ 54.43(d) and 62.114 (relating to standards of conduct and disclosure for licensees).

(b) A supplier shall document the training of an agent and maintain a record of the training for 3 years from the date the training was completed.

(c) A supplier shall make training materials and training records available to the Commission upon request. A

supplier is not required to submit training materials and programs for advance Commission review and approval.

(d) When a supplier contracts with an independent contractor or vendor to perform marketing or sales activities on the supplier's behalf, the supplier shall confirm that the contractor or vendor has provided supplier-approved training to agents and independent contractors in accordance with this section.

(e) The supplier shall monitor telephonic and door-to-door marketing and sales calls to:

(1) Evaluate the supplier's training program.

(2) Ensure that agents are providing accurate and complete information, complying with applicable rules and regulations and providing courteous service to customers.

§ 111.6. Discipline.

In developing internal agent discipline practices and procedures, a supplier shall consider the Commission's regulations regarding the unauthorized transfer of customer accounts in §§ 57.171—57.179 and 59.91—59.99 (relating to standards for changing a customer's electricity generation supplier; and standards for changing a customer's natural gas supplier) and the violation of other consumer protections.

§ 111.7. Customer authorization to transfer account; transaction; verification; documentation.

(a) A supplier shall establish a written, oral or electronic transaction process for a customer to authorize the transfer of the customer's account to the supplier.

(1) A document used to complete a transaction must include a means to identify, when an agent is involved, the agent who completed the transaction and a notation indicating whether the transaction was the result of:

(i) A door-to-door call or other in-person contact with an agent.

(ii) A telephone contact with an agent.

(iii) A written document completed and mailed to a supplier by a customer outside the presence of, or without interaction with, an agent.

(iv) An electronic document completed and uploaded to a supplier's web site or e-mailed to a supplier by a customer outside the presence of, or without interaction with, an agent.

(2) A supplier shall provide a copy of documentation used in a customer transaction to the Commission upon request.

(b) A supplier shall establish a process to verify a transaction that involved an agent. The process shall confirm that the customer authorized the transfer of the customer's account to the supplier. This subsection does not apply to a transaction that was completed solely by the customer as set forth in subsection (a)(1)(iii) and (iv).

(1) A supplier may use a third party to verify transactions.

(2) The verification process shall be separate from the transaction process and initiated only after the transaction has been finalized. When verifying a transaction that resulted from an agent's contact with a customer at the customer's residence, the verification process shall be initiated only after the agent has physically exited the customer's residence, unless the customer agrees that the agent may remain in the vicinity of the customer during the verification process. Prior to initiating the verification

process, the agent shall inform the customer that the agent may not be in the vicinity during the verification unless the customer agrees to the agent's presence.

(3) A customer shall be informed of the 3-business-day right of rescission of the transaction under §§ 54.5(d) and 62.75(d) (relating to disclosure statement for residential and small business customers) and the customer's rights under section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7) at the end of the verification process contact.

(4) A supplier shall maintain a record of a verification in a system that is capable of retrieving the record by customer name and customer account number for a period of time equivalent to at least six billing cycles to enable compliance with § 57.177 (relating to customer dispute procedures) for an EGS and § 59.97 (relating to customer dispute procedures) for an NGS.

(5) The verification record must include the transaction documents and the following information:

- (i) The date that the transaction was completed.
- (ii) The name or identification number of the agent that completed the transaction.
- (iii) The date of the verification.
- (iv) The name or identification number of the individual that conducted the verification.
- (v) The results of the verification.
- (vi) The date that the disclosure statement was provided to the customer and the method by which it was provided.

(6) A supplier shall provide copies of verification records to the Commission upon request.

(c) When a supplier is informed that a transaction could not be verified, the supplier shall contact the customer by telephone, e-mail or letter and explain that the transaction could not be verified. The supplier may offer assistance to correct the problem so that the transaction can be resubmitted to the verification process.

§ 111.8. Agent identification; misrepresentation.

(a) A supplier shall issue an identification badge to agents who conduct door-to-door activities or appear at public events. The badge must:

- (1) Accurately identify the supplier, its trade name and logo.
- (2) Display the agent's photograph.
- (3) Display the agent's full name.
- (4) Be prominently displayed.
- (5) Display a customer-service phone number for the supplier.

(b) Upon first contact with a customer, an agent shall identify the supplier that he represents. The agent shall state that he is not working for and is independent of the customer's local distribution company or other supplier. This requirement shall be fulfilled by both an oral statement by the agent and by written material provided by the agent.

(c) When conducting door-to door activities or appearing at a public event, an agent may not wear apparel or accessories or carry equipment that contains branding elements, including a logo, that suggests a relationship that does not exist with an EDC, NGDC, government agency or another supplier.

(d) A supplier may not use the name, bills, marketing materials or consumer education materials of another supplier, EDC, NGDC or government agency in a way that suggests a relationship that does not exist.

(e) An agent of a supplier that is an affiliate of a distribution company shall comply with the rules regarding affiliate marketing in § 54.122 (relating to code of conduct) for an EGS and in § 62.142 (relating to standards of conduct) for an NGS.

(f) A supplier or supplier agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

§ 111.9. Door-to-door sales.

(a) A supplier and its agents shall comply with local ordinances regarding door-to-door marketing and sales activities. A supplier shall limit door-to-door marketing or sales activities to the hours between 9 a.m. and 7 p.m. during the 6 months beginning October 1 and ending March 31, and to the hours between 9 a.m. and 8 p.m. during the months beginning April 1 and ending September 30. When a local ordinance has stricter limitations, a supplier shall comply with the local ordinance.

(b) A supplier and its agents shall comply with regulations that govern marketing, consumer protection and door-to-door sales including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and the applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service).

(c) When conducting door-to-door sales or marketing activities, an agent shall display his identification badge issued by the supplier. The identification shall be prominently displayed.

(d) When engaging in door-to-door sales or marketing activities, an agent shall comply with the following:

(1) After greeting the customer, the agent shall immediately identify himself by name, the supplier the agent represents and the reason for the visit. The agent shall state that he is not working for and is independent of the local distribution company or another supplier.

(2) The agent shall offer a business card or other material that lists the agent's name, identification number and title, and the supplier's name and contact information, including telephone number. This information does not need to be preprinted on the material. When the information is handwritten, it shall be printed and legible.

(e) When a customer's language skills are insufficient to allow the customer to understand and respond to the information being conveyed by the agent, or when the customer or a third party informs the agent of this circumstance, the agent shall terminate contact with the customer.

(f) When an agent completes a transaction with a customer, the agent shall:

- (1) Provide a copy of each document that the customer signed or initialed relating to the transaction. A copy of these documents shall be provided to the customer before the agent leaves the customer's residence. If requested by the customer, a copy of the materials used by the agent during the call shall be provided to the customer as soon as practical.

(2) Explain the supplier's verification process to the customer.

(3) State that the supplier shall send a copy of the disclosure statement about the service to the customer after the transaction has been verified if the disclosure statement has not been previously provided.

(4) State that the customer may rescind the transaction within 3 business days after receiving the disclosure statement.

(g) An agent shall immediately leave a residence when requested to do so by a customer or the owner or an occupant of the premises or if the customer does not express an interest in what the agent is attempting to sell.

(h) A supplier shall comply with an individual's request to be exempted from door-to-door marketing and sales contacts and annotate its existing marketing or sales databases consistent with this request within 2 business days of the individual's request.

§ 111.10. Telemarketing.

(a) A supplier and its agents shall comply with regulations that govern marketing, consumer protection and telemarketing sales including consumer protection regulations in Chapters 54 and 62 (relating to electricity generation customer choice; and natural gas supply customer choice) and applicable provisions in Chapters 56, 57 and 59 (relating to standards and billing practices for residential utility service; electric service; and gas service).

(1) A supplier that is licensed by the Commission and engages in telemarketing is not required to register as a telemarketer under section 3(a) of the act (73 P. S. § 2243(a)), regarding registration requirement, but shall comply with other provisions of the act.

(2) An agent that contracts with a supplier to conduct telemarketing and sales activities on behalf of the supplier shall register as a telemarketer and comply with the act.

(3) A supplier and its agents shall comply with the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C.A. §§ 6101—6108) and 16 CFR Part 310 (relating to telemarketing sales rule).

(4) Customer consent to the release of customer information by the distribution company to the supplier to enable competitive solicitations does not constitute an express request to receive telephone solicitation calls. See section 5 of the act (73 P. S. § 2245), regarding unlawful acts and penalties. See the definition of "do not call list" in section 2 of the act (73 P. S. § 2242).

(b) An agent who contacts customers by telephone shall, after greeting the customer, immediately identify himself by name, identify the supplier the agent represents and the reason for the telephone call. The agent shall state that he is not working for and is independent of the local distribution company or another supplier. The agent may not say or suggest to a customer that a utility customer is required to choose a competitive energy supplier.

(c) When an agent completes a transaction with a customer, the agent shall explain the supplier's verification process to the customer and state that the supplier will send a copy of the disclosure statement and other material about the service to the customer after the

transaction has been verified. At the end of the telephone contact, the agent shall state that the customer may rescind the transaction within 3 business days after receiving the disclosure statement.

§ 111.11. Receipt of disclosure statement and right to rescind transaction.

(a) When a transaction is completed by a customer without the presence of or interaction with an agent and is not submitted to the verification process, a supplier shall provide the customer with a copy of its disclosure statement as soon as it is practical. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement. See § 54.5(d) (relating to disclosure statement for residential and small business customers), which applies to EGSs, and § 62.75(d) (relating to disclosure statement for residential and small business customers), which applies to NGSs.

(b) After a transaction that involved an agent has been completed and verified, a supplier shall provide the customer with a copy of its disclosure statement. The disclosure statement may be provided in-person or by United States mail. The disclosure statement may be provided electronically if the customer consents to electronic delivery. A customer shall have the right to rescind the transaction within 3 business days after receiving the disclosure statement.

(c) There shall be a rebuttable presumption that a disclosure statement correctly addressed to a customer with sufficient first class postage attached shall be received by the customer 3 days after it has been properly deposited in the United States mail. If delivered in-person, the disclosure will be considered received by the customer on the date of delivery. If delivered electronically, the disclosure will be considered received by the customer on the date it was transmitted electronically.

§ 111.12. Consumer protection.

(a) A supplier and its agents may not discriminate in the provision of electric generation and natural gas as to availability and terms of service to a customer based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income and exercise of rights under the Consumer Credit Protection Act (15 U.S.C.A. §§ 1601—1693r) and 12 CFR Part 202 (relating to Equal Credit Opportunity Act (Regulation B)). This requirement is consistent with § 54.43(e) (relating to standards of conduct and disclosure for licensees) for EGSs and § 62.114(e) (relating to standards of conduct and disclosure for licensees) for NGSs.

(b) A supplier and its agents that engage in door-to-door marketing or sales shall comply with the Federal cooling-off period requirements. See 16 CFR Part 429 (relating to rule concerning cooling-off period for sales made at homes or at certain other locations).

(c) A supplier and its agents shall comply with the 3-business-day cooling off period requirement in § 54.5(d) (relating to disclosure statement for residential and small business customers) that applies to EGSs and § 62.75(d) (relating to disclosure statement for residential and small business customers) that applies to NGSs. This cooling off period may run concurrently with the Federal cooling off period in subsection (b).

(d) A supplier:

(1) May not engage in misleading or deceptive conduct as defined by State or Federal law, or by Commission rule, regulation or order.

(2) May not make false or misleading representations including misrepresenting rates or savings offered by the supplier.

(3) Shall provide the customer with written information about the products and services being offered, or with instructions for where the information can be obtained.

(4) Shall provide accurate and timely information about services and products being offered. Information includes rates being offered, contract terms, early termination fees and right of cancellation and rescission.

(5) Shall ensure that product or service offerings made by a supplier contain information, verbally or written, in plain language designed to be understood by the customer. This includes providing written information to the customer in a language which the supplier's representative has had substantive discussions with the customer or in which a contract is negotiated.

§ 111.13. Customer complaints.

(a) A supplier shall investigate customer inquiries, disputes and complaints concerning marketing or sales practices. The supplier shall cooperate with the Commission and other government agencies that are investigating complaints about marketing or sales practices prohibited by State and Federal laws and with local law enforcement officials that are investigating complaints about violations of local municipal law.

(b) A supplier shall implement an internal process for responding to and resolving customer inquiries, disputes and complaints. The process shall document as a record the customer inquiry, dispute or complaint, subsequent communications between the supplier and the customer, and the resolution of the inquiry, dispute or complaint. A supplier shall retain the record for a time period equivalent to six billing cycles in a system capable of retrieving that record by customer name and account number or by other effective means to obtain access to the information.

(c) The internal process shall comply with the applicable dispute regulations including:

(1) Section 54.9 (relating to complaint handling process).

(2) Section 56.141 (relating to dispute procedures).

(3) Section 56.151 (relating to general rule).

(4) Section 56.152 (relating to contents of the public utility company report).

(5) Section 57.177 (relating to customer dispute procedures).

(6) Section 59.97 (relating to customer dispute procedures).

(7) Section 62.79 (relating to complaint handling process).

(d) A supplier shall provide a single contact and a list of designated escalation contacts for the Commission staff to access to address consumer inquiries and resolve complaints.

§ 111.14. Notification regarding marketing or sales activity.

(a) When a supplier engages in door-to-door sales and marketing activity, the supplier shall notify the Bureau of Consumer Services no later than the morning of the day that the activity begins. The notification shall include

general, nonproprietary information about the activity, the period involved and a general description of the geographical area.

(b) A supplier shall provide the local distribution company with general, nonproprietary information about the door-to-door sales and marketing activity that caused the supplier to provide notice to the Commission in accordance with subsection (a). The supplier shall provide this general information to the distribution company no later than the morning of the day that the sales and marketing activities begin. The distribution company shall use this information only for acquainting its customer service representatives with sales and marketing activity occurring in its service territory so that they may knowledgably address customer inquiries. Consistent with § 54.122 (relating to code of conduct) for an EDC and § 62.142 (relating to standards of conduct) for an NGDC, a distribution company may not use the information for other purposes.

(c) In responding to a customer inquiry about price and service, a distribution company may provide information about its own price and terms but shall refer the customer to the supplier for questions about the supplier's prices and terms. This subsection does not apply in the context of a Commission-approved program that requires a distribution company to provide information about a supplier's prices and terms.

[Pa.B. Doc. No. 13-1154. Filed for public inspection June 28, 2013, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 581, 583 AND 585]

Double Attack Blackjack; Flop Poker; Props & Hops; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03(b) (relating to temporary table game regulations), enacted by the act of January 7, 2010 (P. L. 1, No. 1) (Act 1), and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapters 581, 583 and 585 (relating to Double Attack Blackjack; Flop Poker; and Props & Hops) to read as set forth in Annex A.

Explanation of Chapter 581

Section 581.1 (relating to definitions) contains the definitions for terms used in Double Attack Blackjack. Section 581.2 (relating to Double Attack Blackjack table; card reader device; physical characteristics; inspections) contains the requirements pertaining to the table and other equipment used in the play of the game.

Section 581.3 (relating to cards; number of decks; value of cards) addresses the number of decks that are used in Double Attack Blackjack and the frequency with which the decks are to be changed. Sections 581.4 and 581.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection, shuffling and cutting of the cards before they are dealt.

Sections 581.6 and 581.7 (relating to wagers; and procedure for dealing the cards; completion of each round of play) specify which wagers are authorized for use at

the game and when those wagers are to be placed, and address how the dealer is to evaluate whether a patron's hand is a winning hand. Section 581.7 also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Sections 581.8—581.11 specify the procedures for the offering and placement of additional wagers and the procedure for handling the splitting or surrender of a player's hand.

Section 581.12 (relating to payout odds) addresses the payout odds for permissible wagers. Section 581.13 (relating to irregularities) specifies how irregularities in the play of the game are to be handled.

Explanation of Chapter 583

Section 583.1 (relating to definitions) contains the definitions for terms used in Flop Poker. Section 583.2 (relating to Flop Poker table physical characteristics) contains the requirements pertaining to the tables and other equipment used in the play of the game.

Section 583.3 (relating to cards; number of decks) addresses the number of decks that are used in Flop Poker and the frequency with which the decks are to be changed. Sections 583.4 and 583.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection, shuffling and cutting of the cards before they are dealt.

Sections 583.6 and 583.7 (relating to Flop Poker rankings; and wagers) set forth the rank of the cards for the purpose of determining a winning hand and specify which wagers are authorized for use at the game and when those wagers are to be placed.

Sections 583.8—583.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the cards to each patron. Section 583.11 (relating to procedures for completion of each round of play) addresses how the dealer is to evaluate whether a patron's hand is a winning hand. This section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 583.12 (relating to payout odds; Envy Bonus; rate of progression; payout limitation) addresses the payout odds for permissible wagers. Section 583.13 (relating to irregularities) specifies how irregularities in the play of the game are to be handled. Section 583.14 (relating to surveillance coverage; minimum staffing; training) addresses surveillance coverage, staffing requirements and the training required to offer the game.

Explanation of Chapter 585

Section 585.1 (relating to Props & Hops table; physical characteristics) contains the requirements pertaining to the tables and other equipment used in the play of the game.

Section 585.2 (relating to wagers) specifies which wagers are authorized for use at the game and when those wagers are to be placed.

Section 585.3 (relating to dice; shaker; procedure for completion of each round of play) addresses the procedures for shaking and revealing the dice, how the dealer is to evaluate whether a patron's wager is a winning wager and the procedure for collecting losing wagers and paying out winning wagers.

Section 585.4 (relating to payout odds) addresses the payout odds for permissible wagers. Section 585.5 (relat-

ing to surveillance coverage; minimum staffing; training) addresses surveillance coverage, staffing requirements and the training required to offer the game.

Affected Parties

This temporary rulemaking will allow certificate holders additional options on how to conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders related to table games Rules Submissions will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties will benefit from the local share funding that is mandated by Act 1.

Private sector. This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. It is anticipated that this temporary rulemaking will have an impact only on certificate holders, which are not small businesses.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder elects to offer new games for play at the licensed facility, the certificate holder will be required to submit an updated Rules Submission reflecting the changes.

Effective Date

The temporary regulations are effective June 29, 2013.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how these temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-172.

Contact Person

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 13A03(b), the Board's authority to adopt temporary regulations governing the rules of new table games does not expire. Additionally, temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1208), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b) and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03(b), the temporary regulations are exempt from the Regulatory Review Act, sections 201—205 of the CDL and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 581.1—581.14, 583.1—583.14 and 585.1—585.5 to read as set forth in Annex A.

(2) The temporary regulations are effective June 29, 2013.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

(5) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-172. No fiscal impact; (8) recommends adoption.

Annex A

Title 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 581. DOUBLE ATTACK BLACKJACK

Sec.	
581.1.	Definitions.
581.2.	Double Attack Blackjack table; card reader device; physical characteristics; inspections.
581.3.	Cards; number of decks; value of cards.
581.4.	Opening of the table for gaming.
581.5.	Shuffle and cut of the cards.
581.6.	Wagers.
581.7.	Procedure for dealing the cards; completion of each round of play.
581.8.	Insurance Wager.
581.9.	Surrender.
581.10.	Double Down Wager.
581.11.	Splitting pairs.
581.12.	Payout odds.
581.13.	Irregularities.
581.14.	Surveillance coverage; minimum staffing; training.

§ 581.1. Definitions.

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

Blackjack—An ace and any card having a value of 10 dealt as the initial two cards to a player or the dealer.

Card reader device—A device which permits the dealer to determine if the hole card will give the dealer a Blackjack.

Hard total—The total point count of a hand which does not contain aces or which contains aces that are each counted as 1 in value.

Hole card—The second card dealt face down to the dealer.

Soft total—The total point count of a hand containing an ace when the ace is counted as 11 in value.

§ 581.2. Double Attack Blackjack table; card reader device; physical characteristics; inspections.

(a) Double Attack Blackjack shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Double Attack Blackjack table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) A separate betting area designated for the placement of the Bet Wager and the Double Attack Wager for each player.
- (3) The following inscriptions:
 - (i) Blackjack pays even money.
 - (ii) Insurance pays 5 to 2.
 - (iii) Dealer shall draw to 16 and stand on all 17s or other similar language approved by the Executive Director in accordance with § 601a.10(a).

(4) If the certificate holder offers the optional Bust It Wager authorized under § 581.6(e) (relating to wagers), a separate area designated for the placement of the Bust It Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Blackjack table.

(c) Each Double Attack Blackjack table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Double Attack Blackjack table must have a card reader device attached to the top of the dealer's side of the table. The floorperson assigned to the Double Attack Blackjack table shall inspect the card reader device at the beginning of each gaming day to ensure that there has been no tampering with the device and that it is in proper working order.

(e) Each Double Attack Blackjack table must have a discard rack securely attached to the top of the dealer's side of the table. The height of each discard rack must either:

- (1) Equal the height of the cards, stacked one on top of the other, in the total number of decks that are to be used in the dealing shoe at that table.
- (2) Be taller than the height of the total number of decks being used if the discard rack has a distinct and clearly visible mark on its side to show the exact height for a stack of cards equal to the total number of cards in the number of decks to be used in the dealing shoe at that table.

§ 581.3. Cards; number of decks; value of cards.

(a) Except as provided in subsection (b), Double Attack Blackjack shall be played with an eight-deck batch of cards that are identical in appearance and at least one cover card. The decks shall consist of 48 cards, with the 10 of each suit removed from each deck during the inspection required under § 581.4 (relating to opening of the table for gaming) or as provided in § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use).

(b) If an automated card shuffling device is utilized, other than a continuous shuffler, Double Attack Blackjack shall be played with at least two batches of cards in accordance with the following requirements:

(1) The cards shall be separated into two batches with eight decks included in each batch.

(2) The cards in each batch must be of the same design but the backs of the cards in one batch must be of a different color than the cards in the other batch.

(3) One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being used to play the game.

(4) Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe.

(5) The cards from only one batch shall be placed in the discard rack at any given time.

(c) The decks of cards opened for use at a Double Attack Blackjack table shall be changed at least once every 24 hours.

(d) The value of the cards shall be as follows:

(1) Any card from 2 to 9 shall have its face value.

(2) Any jack, queen or king shall have a value of 10.

(3) An ace shall have a value of 11 unless that value would give a player or the dealer a score in excess of 21, in which case the ace shall have a value of 1.

§ 581.4. Opening of the table for gaming.

(a) After receiving the decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) If the decks contain the 10 of any suit, the dealer and a floorperson shall ensure that these cards are removed from the decks, torn in half and placed in the box, envelope or container that the decks came from.

(c) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(d) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 581.5 (relating to shuffle and cut of the cards).

(e) If an automated shuffling device is utilized, other than a continuous shuffler, the decks in one batch of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c) separate from the decks in the other batch of cards.

(f) If the decks of cards received at the table are preinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a) and (c)—(e) do not apply.

§ 581.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each shoe of cards is dealt or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or device shall place the decks of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) After the cards have been shuffled and stacked, the dealer shall offer the stack of cards to be cut, with the backs facing away from the dealer, to the player determined under subsection (c). If no player accepts the cut, the dealer shall cut the cards.

(c) The cut of the cards shall be offered to players in the following order:

(1) The first player arriving at the table, if the game is just beginning.

(2) The player on whose betting area the cover card appeared during the last round of play.

(3) If the cover card appeared on the dealer's hand during the last round of play, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(4) If the reshuffle was initiated at the direction of the floorperson or above, the player at the farthest position to the right of the dealer. If this player refuses, the offer to cut the cards shall rotate to each player in a counterclockwise manner.

(d) The player or dealer making the cut shall place the cover card in the stack at least ten cards from the top or bottom of the stack. Once the cover card has been inserted, the dealer shall take all cards on top of the cover card and place them on the bottom of the stack. The dealer shall then insert the cover card in the stack at a position at least 1/4 of the way in from the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before the cards have been placed in the dealing shoe, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut either by the player who last cut the cards or by the next person entitled to cut the cards, as determined under subsection (c). The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(f) A reshuffle of the cards in the shoe shall take place after the cover card is reached in the shoe, as provided in § 581.7(d) (relating to procedure for dealing the cards; completion of each round of play), except that a floorperson may determine that the cards should be reshuffled after any round of play.

(g) If there is no gaming activity at a Double Attack Blackjack table which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 581.4(d) (relating to opening of the table for gaming) and this section shall be completed.

(h) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (b)—(g) do not apply.

§ 581.6. Wagers.

(a) Wagers at Double Attack Blackjack shall be made by placing value chips, plaques or other Board-approved table game wagering instruments on the appropriate areas of the Double Attack Blackjack layout. Verbal wagers accompanied by cash may be accepted provided that they are confirmed by the dealer and the cash is expeditiously converted into value chips or plaques.

(b) After the cards have been shuffled as required under § 581.5 (relating to shuffle and cut of the cards), a certificate holder may prohibit any patron, whether seated at the gaming table or not, who does not make a wager on a given round of play from placing a wager on the next round of play and any subsequent round of play at that gaming table until either:

- (1) The certificate holder chooses to permit the player to begin wagering again.
- (2) A reshuffle of the cards has occurred.

(c) A player may not handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.

(d) To participate in a round of play, a player shall place a Bet Wager.

(e) A player who has placed a Bet Wager may then place a Double Attack Wager as provided in § 581.7(e) (relating to procedure for dealing the cards; completion of each round of play) in an amount equal to or less than the player's Bet Wager.

(f) If specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), a certificate holder may offer to each player who placed a Bet Wager in accordance with subsection (d) the option of placing an additional Bust It Wager in an amount equal to or less than the player's Bet Wager.

(g) The certificate holder shall specify in its Rules Submission under § 601a.2 the number of adjacent boxes on which a player may place a Bet Wager in one round of play.

§ 581.7. Procedure for dealing the cards; completion of each round of play.

(a) All cards shall be dealt from a dealing shoe which must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures under § 581.5 (relating to shuffle and cut of the cards) have been completed, the dealer or automated card shuffling device shall place the stacked cards in the dealing shoe.

(b) Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand. The dealer may deal cards to the two betting positions closest to the dealing shoe with the same hand.

(c) After each full batch of cards is placed in the shoe, the dealer shall remove the first card and place it in the discard rack. Each new dealer who comes to the table shall also remove one card and place it in the discard rack before dealing any cards to the players.

(d) If the cover card appears as the first card in the dealing shoe at the beginning of a round of play or appears during play, the cover card shall be removed and placed to the side and the hand will be completed. The dealer shall then collect and reshuffle the cards in accordance with § 581.5.

(e) At the commencement of each round of play and after all players have been afforded the opportunity to make a Bet Wager and a Bust It Wager, one card shall be dealt face up to the dealer. After examining the dealer's up card, a player who placed a Bet Wager may place an optional Double Attack Wager in accordance with § 581.6(e) (relating to wagers).

(f) After all players have been afforded an opportunity to place a Double Attack Wager, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal the cards as follows:

- (1) One card face up to each box on the layout in which a Bet Wager is contained.
- (2) A second card face up to each box on the layout in which a Bet Wager is contained.
- (3) A second card face down to the dealer.

(g) Immediately after the second card is dealt to each player and the dealer, if the dealer's first card is an ace, the dealer shall offer the Insurance Wager in accordance with § 581.8 (relating to Insurance Wager). If the dealer's first card is an ace, king, queen or jack, the dealer shall then determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device by moving the card face down on the layout without exposing it to anyone at the table, including the dealer. If the dealer has a Blackjack, additional cards may not be dealt and each player's Bet, Double Attack, Bust It and Insurance Wagers, if applicable, shall be settled in accordance with this section and § 581.8.

(h) After the procedures in subsection (g) have been completed, if necessary, the dealer shall start with the player farthest to the dealer's left and continue around the table in a clockwise direction and if the player:

(1) Has Blackjack, the dealer shall announce and pay the Bet and Double Attack Wagers in accordance with subsection (o) and remove the player's cards. If a player also placed a Bust It Wager, the wager shall remain on the layout until subsection (m) is completed.

(2) Does not have Blackjack, the player shall indicate whether he wishes to surrender, as permitted under § 581.9 (relating to surrender), double down as permitted under § 581.10 (relating to Double Down Wager), split pairs as permitted under § 581.11 (relating to splitting pairs), stand or draw additional cards.

(i) As each player indicates his decision, the dealer shall deal face upwards whatever additional cards are necessary to effectuate the player's decision.

(j) A player may elect to draw additional cards when-
ever his point count total is less than 21, except that:

(1) A player having Blackjack or a hard or soft total of 21 may not draw additional cards.

(2) A player electing to make a Double Down Wager may draw only one additional card.

(k) Prior to the dealer exposing his hole card, if player has less than 21 after drawing additional cards, the player may surrender in accordance with § 581.9.

(l) After the decisions of each player have been implemented and all additional cards have been dealt, the dealer shall turn the hole card face up.

(m) If the first two cards of the dealer's hand:

(1) Equal a total point count of 17 or higher, the dealer shall collect all losing Bust It Wagers before settling the player's Bet or Double Attack Wagers in accordance with subsection (o).

(2) Equal a total point count of less than 17, the dealer shall draw an additional card. If the dealer's three card hand has a total point count:

(i) In excess of 21, the dealer shall pay the winning Bust It Wager in accordance with § 581.12(c) (relating to payout odds). The payout shall be based on the value of the third card drawn, except that if all three of the dealer's cards are an 8 of the same color or suit, a player shall receive an increased payout based on the three 8s instead of the payout based on the value of the third card drawn.

(ii) Of 21 or less, the dealer shall collect all losing Bust It Wagers.

(n) After settling the player's Bust It Wager, if applicable, if the dealer's first three cards equal a total point count of less than 17, the dealer shall draw additional cards until he has a hard or soft total of 17, 18, 19, 20 or 21.

(o) After all additional cards have been dealt to the players and the dealer, the dealer shall, starting with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction, settle the remaining wagers by collecting all losing wagers and paying all winning wagers as follows:

(1) A Bet Wager shall:

(i) Win and be paid in accordance with § 581.12(a) if:

(A) The total point count of the player's hand is 21 or less and the total point count of the dealer's hand is in excess of 21.

(B) The total point count of the player's hand exceeds the total point count of the dealer's hand without exceeding 21.

(C) The player has a Blackjack and the dealer's hand has a total point count of 21 in more than two cards.

(ii) Lose and be collected if:

(A) The dealer has a Blackjack and the player does not have a Blackjack.

(B) The total point count of the dealer's hand is 21 or less and the total point count of the player's hand is in excess of 21.

(C) The total point count of the dealer's hand exceeds the total point count of the player's hand without exceeding 21.

(iii) Tie and be returned to the player if the total point count of the player's hand is the same as the dealer's or if both the player and dealer have Blackjack.

(2) A Double Attack Wager shall win, lose or tie in accordance with subsection (o)(1) except that the Double Attack Wager shall be returned to the player if the dealer has a Blackjack and the player does not have a Blackjack.

(p) The dealer shall pay all winning wagers and collect all losing wagers beginning with the player farthest to the dealer's right and continuing around the table in a counterclockwise direction. The dealer shall place any losing wagers directly into the table inventory and may not pay off any winning wagers by using value chips collected from a losing wager.

(q) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(r) Players and spectators may not handle, remove or alter the cards used to play Double Attack Blackjack.

§ 581.8. Insurance Wager.

(a) If the first card dealt to the dealer is an ace, each player may make an Insurance Wager which shall win if the dealer's hole card is a king, queen or jack.

(b) An Insurance Wager may be made by placing a value chip on the insurance line of the layout in an amount not more than 1/2 of the player's Bet Wager. A player may wager an amount in excess of 1/2 of the initial Bet Wager to the next unit that can be wagered in chips, when, because of the limitation of the value of chip denominations, half the initial wager cannot be bet. Insurance Wagers shall be placed prior to the dealer inserting his hole card into the card reader device.

(c) Winning Insurance Wagers shall be paid in accordance with the payout odds in § 581.12(b) (relating to payout odds).

(d) Losing Insurance Wagers shall be collected by the dealer immediately after the dealer inserts his hole card into the card reader device and determines that he does not have a Blackjack and before he draws any additional cards.

§ 581.9. Surrender.

(a) After the first two cards are dealt to the player, the player may elect to discontinue play on his hand for that round by surrendering. A player may also elect to surrender after additional cards are dealt to the player, after a hand is split as permitted under § 581.11 (relating to splitting pairs) and after doubling down as permitted under § 581.10 (relating to Double Down Wager). A player may not elect to surrender after deciding to stand.

(b) If the player elects to surrender and the first card dealt to the dealer:

(1) Is not an ace, king, queen or jack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(2) Is an ace, king, queen or jack, the dealer shall determine whether the hole card will give the dealer a Blackjack. The dealer shall insert the hole card into the card reader device in accordance with § 581.7(g) (relating to procedure for dealing the cards; completion of each round of play). If the dealer:

(i) Has a Blackjack, the dealer shall collect the entire Bet Wager and the Bust It Wager, if applicable, and return the Double Attack Wager, if applicable, to the player.

(ii) Does not have a Blackjack, the dealer shall immediately collect the cards of the player and 1/2 of the Bet Wager and Double Attack Wager, if applicable, and return the other 1/2 to the player.

(c) If the player has made a Bust It Wager and then elects to surrender, the Bust It Wager must remain on the layout until settled in accordance with § 581.7(m).

(d) If the player has made an Insurance Wager and then elects to surrender, each wager will be settled separately in accordance with subsection (b) and § 581.8 (relating to Insurance Wager).

§ 581.10. Double Down Wager.

(a) Except when a player has a Blackjack, a player may elect to make a Double Down Wager, which may not exceed the amount of his original Bet and Double Attack Wagers, on two or more cards dealt to that player, including hands resulting from a split pair, provided that only one additional card shall be dealt to the hand on which the player has elected to double down.

(b) If a dealer obtains Blackjack after a player makes a Double Down Wager, the dealer shall collect only the amount of the original Bet Wager of the player and return the Double Down and Double Attack Wagers.

(c) Upon a player's election to make a Double Down Wager, the dealer shall deal the one additional card face up and place it sideways on the layout.

§ 581.11. Splitting pairs.

(a) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand formed in an amount equal to his original Bet and Double Attack Wagers. For example, if a player has two 7s or a king and a queen, the player may elect to split the hand.

(b) When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to the second hand.

(c) After a second card is dealt to each split pair hand, the player shall indicate his decision to stand, draw or double down with respect that hand. A player may split pairs again if the second card dealt to an incomplete hand is identical in value to the split pair. A player may split pairs a maximum of three times for a total of four hands.

(d) If the dealer obtains Blackjack after a player splits pairs, the dealer shall collect only the amount of the original Bet Wager of the player and return the Double Attack Wager and the additional amount wagered in splitting pairs.

(e) If a player elects to split a pair of aces, each ace shall receive only one card. Aces may not be split more than once and may not be resplit.

§ 581.12. Payout odds.

(a) The certificate holder shall pay out each winning Bet Wager and Double Attack Wager at odds of 1 to 1.

(b) The certificate holder shall pay out winning Insurance Wagers at odds of 5 to 2.

(c) The certificate holder shall pay out winning Bust It Wagers at the odds in the following payable:

<i>Hand</i>	<i>Payout</i>
8, 8, 8 of the same suit	200 to 1
8, 8, 8 of the same color	50 to 1
Third card drawn is a:	
6	15 to 1
7	10 to 1
8	8 to 1
9	6 to 1
King, queen or jack	3 to 1

§ 581.13. Irregularities.

(a) A card found face up in the shoe may not be used in that round of play and shall be placed in the discard rack.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(c) After the initial two cards have been dealt to each player and the dealer and a card is drawn in error and exposed to the players, the card shall be dealt to the players or dealer as though it were the next card from the shoe. Any player refusing to accept the card may not have additional cards dealt to him during the round. If the card is refused by the players and the dealer cannot use the card, the card shall be placed in the discard rack.

(d) If the dealer has 17 and accidentally draws a card for himself, the card shall be placed in the discard rack.

(e) If there are insufficient cards remaining in the shoe to complete a round of play, all of the cards in the discard rack shall be shuffled and cut according to the procedures in § 581.5 (relating to shuffle and cut of the cards). The first card shall be drawn face down and placed in the discard rack and the dealer shall complete the round of play.

(f) If no cards are dealt to a player's hand, the hand is dead and the player shall be included in the next deal. If only one card is dealt to a player's hand, at the player's option, the dealer shall deal the second card to the player after all other players have received a second card.

(g) If after receiving the first two cards, the dealer fails to deal an additional card to a player who has requested a card, then, at the player's option, the dealer shall either deal the additional card after all other players have received their additional cards but prior to the dealer revealing his hole card or call the player's hand dead and return the player's Bet and Double Attack Blackjack Wagers.

(h) If the dealer inserts his hole card into a card reader device when the value of his first card is not an ace, king, queen or jack, the dealer, after notification to a floorperson or above, shall:

(1) If the particular card reader device in use provides any player with the opportunity to determine the value of the hole card, call all hands dead, collect the cards and return each player's wager.

(2) If the particular card reader device in use does not provide any player with the opportunity to determine the value of the hole card, continue play.

(i) If a card reader device malfunctions, the dealer may not continue dealing the game of Double Attack Blackjack at that table until the card reader device is repaired or replaced.

(j) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(k) If an automated shuffling device malfunctions and cannot be used, the device must be covered or have a sign indicating that it is out of order placed on the device before any other method of shuffling may be utilized at that table.

§ 581.14. Surveillance coverage; minimum staffing; training.

(a) A certificate holder offering Double Attack Blackjack shall have at least one stationary camera dedicated for each table.

(b) A certificate holder shall maintain at least one dealer for each Double Attack Blackjack table.

(c) A floorperson may not supervise more than four tables comprised of any combination of banking table games excluding:

- (1) Baccarat.
- (2) Midibaccarat.
- (3) Craps.
- (4) Mini-Craps.
- (5) Pai Gow.
- (6) Three Dice Football.

(d) A dealer who has completed a course of training in accordance with § 611a.3(a) (relating to employee training by certificate holders) and would like to be trained to deal Double Attack Blackjack shall successfully complete training and a table test required under § 611a.5 (relating to table test; employee personnel file).

CHAPTER 583. FLOP POKER

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§ 583.1. Definitions.

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

Burn—To remove the top or next card from the deck and place it face down in the discard rack without exposing the card to anyone.

Community card—A card which may be used by all players to form the best possible five-card Poker hand.

Flop—The three community cards dealt during a round of play.

Fold—The withdrawal of a player from a round of play by not making a Flop Wager.

§ 583.2. Flop Poker table physical characteristics.

(a) Flop Poker shall be played on a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Flop Poker table shall be submitted to the Bureau of Gaming Operations in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Three separate betting areas designated for the placement of Ante, Flop and Pot Wagers for each player.
- (3) A separate area designated for the placement of the three community cards located directly in front of the table inventory container.
- (4) If a certificate holder offers the optional Three Card Bonus Wager authorized under § 583.7(d)(3) (relating to wagers), a separate area designated for the placement of the Three Card Bonus Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If the payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Flop Poker table.

(6) Inscriptions indicating the following:

- (i) The Flop Wager must be equal to the Ante Wager.
- (ii) The Pot Wager must be equal to the table minimum.

(7) If the information required under paragraph (6) is not inscribed on the layout, a sign which sets forth the required information shall be posted at each Flop Poker table.

(c) Each Flop Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Flop Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 583.3. Cards; number of decks.

(a) Except as provided in subsection (b), Flop Poker shall be played with one deck of cards that are identical in appearance and two cover cards.

(b) If an automated card shuffling device is utilized, Flop Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Flop Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 583.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 583.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are preinspected and preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 583.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were preshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal or deliver the cards in accordance with § 583.8, § 583.9 or § 583.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were preshuffled, cut the cards in accordance with subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Flop Poker table which is open for gaming, the cards shall be spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 583.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted to the Bureau of Gaming Laboratory Operations and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

§ 583.6. Flop Poker rankings.

(a) The rank of the cards used in Flop Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight formed with a 2, 3, 4 and 5 but may not be combined with any other sequence of cards (for example, queen, king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible five-card Poker hands at the game of Flop Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an

ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that do not contain the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not contained in the other hand, shall be considered the higher ranking hand. If the hands are of identical rank after the application of this subsection, the hands shall be considered a tie.

(d) If the certificate holder is offering the Three Card Bonus Wager, the three-card Poker hands eligible for a payout are:

(1) A royal, which is a hand consisting of an ace, king and queen of the same suit.

(2) A straight flush, which is a hand consisting of three cards of the same suit in consecutive ranking, other than a royal.

(3) A three-of-a-kind, which is a hand consisting of three cards of the same rank.

(4) A straight, which is a hand consisting of three cards of more than one suit and of consecutive rank.

(5) A flush, which is a hand consisting of three cards of the same suit, regardless of rank.

(6) A pair, which is a hand consisting of two cards of the same rank.

§ 583.7. Wagers.

(a) Wagers at Flop Poker shall be made by placing value chips or plaques on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Flop Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) All wagers, except the Flop Wager, shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedure in § 583.8, § 583.9 or § 583.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 583.11(b) (relating to procedures for completion of each round of play), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(d) The following wagers may be placed in the game of Flop Poker:

(1) To participate in a round of play, each player shall place a Pot Wager equal to the table minimum and an Ante Wager.

(2) A player shall compete against a posted payable by placing a Flop Wager equal to the player's Ante Wager, in accordance with § 583.11(b).

(3) A certificate holder may, if specified in its Rules Submission under § 601a.2 (relating to table games Rules Submissions), offer to each player at an Flop Poker table the option to make an additional Three Card Bonus Wager that the player's first three cards will contain a pair or better.

(e) A player may not wager on more than one player position at a Flop Poker table.

§ 583.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 583.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) Prior to dealing the cards, the dealer shall announce "no more bets." After all players have placed their Ante, Pot and Three Card Bonus Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(c) The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 583.7(d)(1) (relating to wagers) until each player who placed the required wagers has three cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is the closest to the dealing shoe and placed on the appropriate area of the layout with the opposite hand.

(d) After three cards have been dealt to each player, the dealer shall deal the three community cards in accordance with § 583.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall remove the stub from the manual dealing shoe and, except as provided in subsection (e), place the stub in the discard rack without exposing the cards.

(e) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(f) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(g) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards

were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 583.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 583.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which he will hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(b) Prior to dealing any cards, the dealer shall announce "no more bets." After all players have placed their Ante, Pot and Three Card Bonus Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(c) The dealer shall then, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed the required wagers in accordance with § 583.7(d)(1) (relating to wagers) until each player who placed the required wagers has three cards. To deal each card, the dealer shall hold the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout.

(d) After three cards have been dealt to each player, the dealer shall deal the three community cards in accordance with § 583.11 (relating to procedures for completion of each round of play). After all community cards have been dealt, the dealer shall, except as provided in subsection (e), place the stub in the discard rack without exposing the cards.

(e) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(f) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(g) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 583.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 583.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets." After all players have placed their Ante, Pot and Three Card Bonus Wagers, the dealer shall collect each player's Pot Wager and place it in the center of the table in the area designated for the placement of the Pot Wagers.

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed the required wagers in accordance with § 583.7(d)(1) (relating to wagers). As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed a required wager in accordance with § 583.7(d)(1). The dealer shall then deliver a stack of three cards face down under a cover card to the area designated for the placement of the three community cards.

(c) After each stack of three cards has been dispensed and delivered in accordance with subsection (b), the dealer shall remove the remaining cards from the automated dealing shoe and, except as provided in subsection (d), place the stub in the discard rack without exposing the cards.

(d) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the stub at least once every 5 rounds of play to determine if the correct number of cards are still present in the deck. The dealer shall determine the number of cards in the stub by counting the cards face down on the layout.

(e) If the count of the stub indicates that 52 cards are in the deck, the dealer shall place the stub in the discard rack without exposing the cards.

(f) If the count of the stub indicates that the number of cards in the deck is incorrect, the dealer shall determine if the cards were misdealt. If the cards were misdealt but 52 cards remain in the deck, all hands shall be void and all wagers shall be returned to the players. If the cards were not misdealt, all hands shall be void, all wagers shall be returned to the players and the entire deck of cards shall be removed from the table.

§ 583.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 583.8, § 583.9 or § 583.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards subject to the following limitations:

(1) Each player who wagers at Flop Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his cards in full view of the dealer at all times.

(b) After each player has examined his cards, the dealer shall, beginning with the player farthest to the dealer's left and moving clockwise around the table, ask

each player if he wishes to fold or place a Flop Wager equal to his Ante Wager. If a player folds, the dealer shall collect the Ante Wager but the player's cards shall remain on the layout. A player who folds will be eligible to win the Pot in accordance with subsection (e).

(c) Unless the certificate holder is utilizing an automated dealing shoe that dispenses the stack of community cards, once all players have either placed a Flop Wager or folded, the dealer shall burn the next card. The dealer shall then deal the flop face up to the designated area for the community cards.

(d) After the three community cards have been revealed, the dealer shall, beginning with the player farthest to the dealer's right and moving counterclockwise around the table, turn the three cards of each player face up on the layout. The dealer shall then settle the Ante, Flop and Three Card Bonus Wagers as follows provided that the Ante, Flop and Three Card Bonus Wagers of each player shall be resolved one player at a time regardless of outcome:

(1) For each player who placed a Three Card Bonus Wager, the dealer shall form the highest ranking three-card Poker hand as described in § 583.6(d) (relating to Flop Poker rankings) from the three cards dealt to each player. If the player's hand contains a pair or better, the dealer shall pay the winning wager in accordance with § 583.12(c) (relating to payout odds; Envy Bonus; rate of progression; payout limitation).

(2) The dealer shall then select five cards from the player's three cards and two of the community cards to form the highest ranking five-card Poker hand. If the player's five-card Poker hand contains a pair of jacks or better, the dealer shall pay the winning Ante and Flop Wagers in accordance with § 583.12(a) and (b).

(e) After settling each player's Ante, Flop and Three Card Bonus Wagers, the dealer shall settle the Pot Wager by determining which player's five-card Poker hand ranks the highest. The player with the highest ranking five-card Poker hand shall be paid the entire Pot amount. If there is a tie hand, the player with the next highest card shall be awarded the entire Pot amount. If there is a tie hand and players have identical hands, the Pot shall be split evenly between the winning players.

(f) After all wagers have been settled, the dealer shall remove all remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

§ 583.12. Payout odds; Envy Bonus; rate of progression; payout limitation.

(a) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

(b) A certificate holder shall pay the player's winning Flop Wager in accordance with the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	1,000 to 1
Straight flush	500 to 1
Four-of-a-kind	100 to 1
Full house	30 to 1
Flush	20 to 1
Straight	10 to 1
Three-of-a-kind	4 to 1
Two pair	2 to 1
A pair of jacks, queens, kings or aces	1 to 1

(c) A player placing a Three Card Bonus Wager shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal	100 to 1
Straight flush	50 to 1
Three-of-a-kind	25 to 1
Straight	6 to 1
Flush	3 to 1
A pair	1 to 1

§ 583.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the area designated for the placement of the community cards is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(e) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(f) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

§ 583.14. Surveillance coverage; minimum staffing; training.

(a) A certificate holder offering Flop Poker shall have at least one stationary camera dedicated for each table.

(b) A certificate holder shall maintain at least one dealer for each Flop Poker table.

(c) A floorperson may not supervise more than four tables comprised of any combination of banking table games excluding:

- (1) Baccarat.
- (2) Midibaccarat.
- (3) Craps.

- (4) Mini-Craps.
- (5) Pai Gow.
- (6) Three Dice Football.

(d) A dealer who has completed a course of training in accordance with § 611a.3(a) (relating to employee training by certificate holders) and would like to be trained to deal Flop Poker shall successfully complete training and a table test required under § 611a.5 (relating to table test; employee personnel file).

CHAPTER 585. PROPS & HOPS

- Sec. 585.1. Props & Hops table; physical characteristics.
- 585.2. Wagers.
- 585.3. Dice; shaker; procedure for completion of each round of play.
- 585.4. Payout odds.
- 585.5. Surveillance coverage; minimum staffing; training.

§ 585.1. Props & Hops table; physical characteristics.

(a) Props & Hops shall be played at a table having betting positions for six players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Props & Hops table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) An area that depicts all wagers authorized under § 585.2 (relating to wagers).
- (3) A separate circle located to the right of the dealer for the placement of the shaker.
- (4) A player position diagram demonstrating the proper placement of each player's wagers.
- (5) The payout odds, in accordance with § 585.4 (relating to payout odds), for all permissible wagers offered by the certificate holder. If the payout odds are not on the layout, a sign identifying the payout odds shall be posted at each Props & Hops table.

(c) Each Props & Hops table must have a drop box with a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g).

§ 585.2. Wagers.

- (a) Wagers shall be made before the dice are shaken.
- (b) Wagers shall be made by placing value chips or plaques on the appropriate areas of the layout. Verbal wagers accompanied by cash may not be accepted.
- (c) Only players who are seated at a Props & Hops table may place a wager at the game. Once a player has placed a wager, that player shall remain seated until the completion of the round of play.
- (d) The following Double Wagers are authorized in the game of Props & Hops:

- (1) A Two the Hardway Bet placed in a box which shows two dice, each of which displays a value of 1. A Two the Hardway Bet shall win if a total of 2 is thrown on the next roll and shall lose if any other combination is thrown.
- (2) A Four the Hardway Bet placed in a box which shows two dice, each of which displays a value of 2. A

Four the Hardway Bet shall win if a total of 4 is thrown on the next roll with a 2 appearing on each die and shall lose if any other combination is thrown.

(3) A Six the Hardway Bet placed in a box which shows two dice, each of which displays a value of 3. A Six the Hardway Bet shall win if a total of 6 is thrown on the next roll with a 3 appearing on each die and shall lose if any other combination is thrown.

(4) An Eight the Hardway Bet placed in a box which shows two dice, each of which displays a value of 4. An Eight the Hardway Bet shall win if a total of 8 is thrown on the next roll with a 4 appearing on each die and shall lose if any other combination is thrown.

(5) A Ten the Hardway Bet placed in a box which shows two dice, each of which displays a value of 5. A Ten the Hardway Bet shall win if a total of 10 is thrown on the next roll with a 5 appearing on each die and shall lose if any other combination is thrown.

(6) A Twelve the Hardway Bet placed in a box which shows two dice, each of which displays a value of 6. A Twelve the Hardway Bet shall win if a total of 12 is thrown on the next roll and shall lose if any other combination is thrown.

(e) The following Any Number Wagers are authorized in the game of Props & Hops:

(1) A One-Two Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 2. A One-Two Bet shall win if a total of 3 is thrown on the next roll and shall lose if any other combination is thrown.

(2) A One-Three Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 3. A One-Three Bet shall win if on the next roll a total of 4 is thrown with a 1 appearing on one die and a 3 appearing on the other die and shall lose if any other combination is thrown.

(3) A One-Four Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 4. A One-Four Bet shall win if on the next roll a total of 5 is thrown with a 1 appearing on one die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(4) A One-Five Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 5. A One-Five Bet shall win if on the next roll a total of 6 is thrown with a 1 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(5) A One-Six Bet placed in a box which shows two dice, one of which displays a value of 1 and the other displays a value of 6. A One-Six Bet shall win if on the next roll a total of 7 is thrown with a 1 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(6) A Two-Three Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 3. A Two-Three Bet shall win if on the next roll a total of 5 is thrown with a 2 appearing on one die and a 3 appearing on the other die and shall lose if any other combination is thrown.

(7) A Two-Four Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 4. A Two-Four Bet shall win if on the next roll a total of 6 is thrown with a 2 appearing on one

die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(8) A Two-Five Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 5. A Two-Five Bet shall win if on the next roll a total of 7 is thrown with a 2 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(9) A Two-Six Bet placed in a box which shows two dice, one of which displays a value of 2 and the other displays a value of 6. A Two-Six Bet shall win if on the next roll a total of 8 is thrown with a 2 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(10) A Three-Four Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 4. A Three-Four Bet shall win if on the next roll a total of 7 is thrown with a 3 appearing on one die and a 4 appearing on the other die and shall lose if any other combination is thrown.

(11) A Three-Five Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 5. A Three-Five Bet shall win if on the next roll a total of 8 is thrown with a 3 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(12) A Three-Six Bet placed in a box which shows two dice, one of which displays a value of 3 and the other displays a value of 6. A Three-Six Bet shall win if on the next roll a total of 9 is thrown with a 3 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(13) A Four-Five Bet placed in a box which shows two dice, one of which displays a value of 4 and the other displays a value of 5. A Four-Five Bet shall win if on the next roll a total of 9 is thrown with a 4 appearing on one die and a 5 appearing on the other die and shall lose if any other combination is thrown.

(14) A Four-Six Bet placed in a box which shows two dice, one of which displays a value of 4 and the other displays a value of 6. A Four-Six Bet shall win if on the next roll a total of 10 is thrown with a 4 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(15) A Five-Six Bet placed in a box which shows two dice, one of which displays a value of 5 and the other displays a value of 6. A Five-Six Bet shall win if on the next roll a total of 11 is thrown with a 5 appearing on one die and a 6 appearing on the other die and shall lose if any other combination is thrown.

(f) The following additional wagers are authorized in the game of Props & Hops:

(1) A Field Wager placed in a Field box which shows the numbers 2, 3, 4, 9, 10, 11 and 12 with the 2 and the 12 circled. A Field Bet shall win if on the next roll the combined total of the dice equals a 2, 3, 4, 9, 10, 11 or 12 and lose if any other combination is thrown.

(2) An Any Craps Wager placed in an Any Craps box which shows the numbers 2, 3 or 12. An Any Craps Bet shall win if on the next roll the combined total of the dice equals a 2, 3 or 12 and lose if any other combination is thrown.

(3) An Any Seven Wager placed in an Any Seven box which shows the number 7. The Any Seven Bet shall win if on the next roll the combined total of the dice equals a 7 and lose if any other combination is thrown.

(4) An Any Doubles Wager placed in an Any Doubles box which shall win if on the next roll the dice are a Two, Four, Six, Eight, Ten or Twelve the Hardway as described in subsection (d).

§ 585.3. Dice; shaker; procedure for completion of each round of play.

(a) Props & Hops shall be played with two dice in accordance with this subsection. Dice used in the play of the game shall comply with § 603a.12(a) (relating to dice; physical characteristics) and the receipt and inspection requirements in § 603a.13 (relating to dice; receipt, storage, inspection and removal from use).

(b) Props & Hops shall be played with a dice shaker, approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment), which shall be used to shake the two dice to arrive at the winning combinations. The dice shaker shall be designed and constructed to maintain the integrity of the game and must:

(1) Be capable of housing two dice that when not being shaken must be maintained in the shaker. Dice that have been placed in a dice shaker for use in gaming may not remain on a table for more than 24 hours.

(2) Be designed to prevent the dice from being seen while being shaken.

(3) Have the name or logo of the certificate holder imprinted or impressed thereon.

(c) The dice shaker shall be the responsibility of the dealer and may not be left unattended while at the table.

(d) A shaker and two dice shall be presented at the Props & Hops table for gaming. The floorperson, in the presence of the dealer, shall place the dice in the shaker. Prior to the commencement of play at the table and after each round of play, the dealer shall shake the covered shaker.

(e) After all players have placed their wagers, the dealer shall announce "no more bets" and offer the covered dice shaker to the player farthest to the dealer's left. The player shall shake the covered shaker at least three times to cause a random mixture of the dice. Once the player has shaken the dice, the player shall return the covered shaker to the layout. If the player shaking the dice removes the lid, the shaker shall be recovered and shaken again.

(f) The dealer shall then remove the lid and place the uncovered shaker in the designated circle on the table layout. The shaker shall remain uncovered in the designated area until all wagers have been settled. If the dealer uncovers the shaker and a die falls out of the shaker, the dealer shall call a "no roll" and all wagers placed shall be returned to the players.

(g) The dealer shall then announce the numbers on the uppermost or skyward sides of the two dice and place a pointer marker on the corresponding area of the layout. If one die comes to rest on top of the other or if the dice do not land flat on the bottom of the shaker after being tossed, the dealer shall call a "no roll" and all wagers placed shall be returned to the players.

(h) The dealer shall then collect all losing wagers before paying out winning wagers in accordance with § 585.4 (relating to payout odds).

(i) After all losing wagers have been collected and all winning wagers have been paid, the dealer shall cover and shake the shaker.

(j) The same player who shook the dice shall continue to shake the dice during each subsequent round of play until the player shakes a 7. Once the total of the dice is a 7, the dice shaker will be passed to the next player to the left at the next round of play.

§ 585.4. Payout odds.

The certificate holder shall pay out winning Props & Hops wagers as follows:

<i>Wager</i>	<i>Payout Odds</i>
Double Wager	30 to 1
Any Number Wager	15 to 1
Field Wager:	
2 or 12 is rolled	2 to 1
3, 4, 9, 10 or 11 is rolled	1 to 1
Any Craps Wager	7 to 1
Any Seven Wager	4 to 1
Any Doubles Bet	4 to 1

§ 585.5. Surveillance coverage; minimum staffing; training.

(a) A certificate holder offering Props & Hops shall have at least two stationary cameras for each table with one camera covering the designated circle on the table

layout for the placement of the uncovered shaker and one camera covering the table layout.

(b) A certificate holder shall maintain at least one dealer for each Props & Hops table.

(c) A floormen may not supervise more than four tables comprised of any combination of banking table games excluding:

- (1) Baccarat.
- (2) Midibaccarat.
- (3) Craps.
- (4) Mini-Craps.
- (5) Pai Gow.
- (6) Three Dice Football.

(d) A dealer who has completed a course of training in accordance with § 611a.3(a) (relating to employee training by certificate holders) and would like to be trained to deal Props & Hops shall successfully complete 10 hours of training. Provided that a dealer who has successfully completed a course of training in Craps does not need to complete an additional 10 hours of training prior to dealing Props & Hops. Dealers shall complete a table test required under § 611a.5 (relating to table test; employee personnel file) prior to dealing Props & Hops on the gaming floor.

[Pa.B. Doc. No. 13-1155. Filed for public inspection June 28, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Community and Economic Development

The Executive Board approved a reorganization of the Department of Community and Economic Development effective June 13, 2013.

The organization chart at 43 Pa.B. 3511 (June 29, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

Note: This reorganization results in the abolition of the State Tax Equalization Board's Organization Chart, since it is being brought into the Department of Community and Economic Development.

(Editor's Note: The organization chart of the State Tax Equalization Board currently appearing at 4 Pa. Code pages 9-69 and 9-70, serial pages (198643) to (198644), will be removed.)

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 13-1156. Filed for public inspection June 28, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective June 13, 2013.

The organization chart at 43 Pa.B. 3512 (June 29, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

[Pa.B. Doc. No. 13-1157. Filed for public inspection June 28, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Public School Employees' Retirement System

The Executive Board approved a reorganization of the Public School Employees' Retirement System effective June 13, 2013.

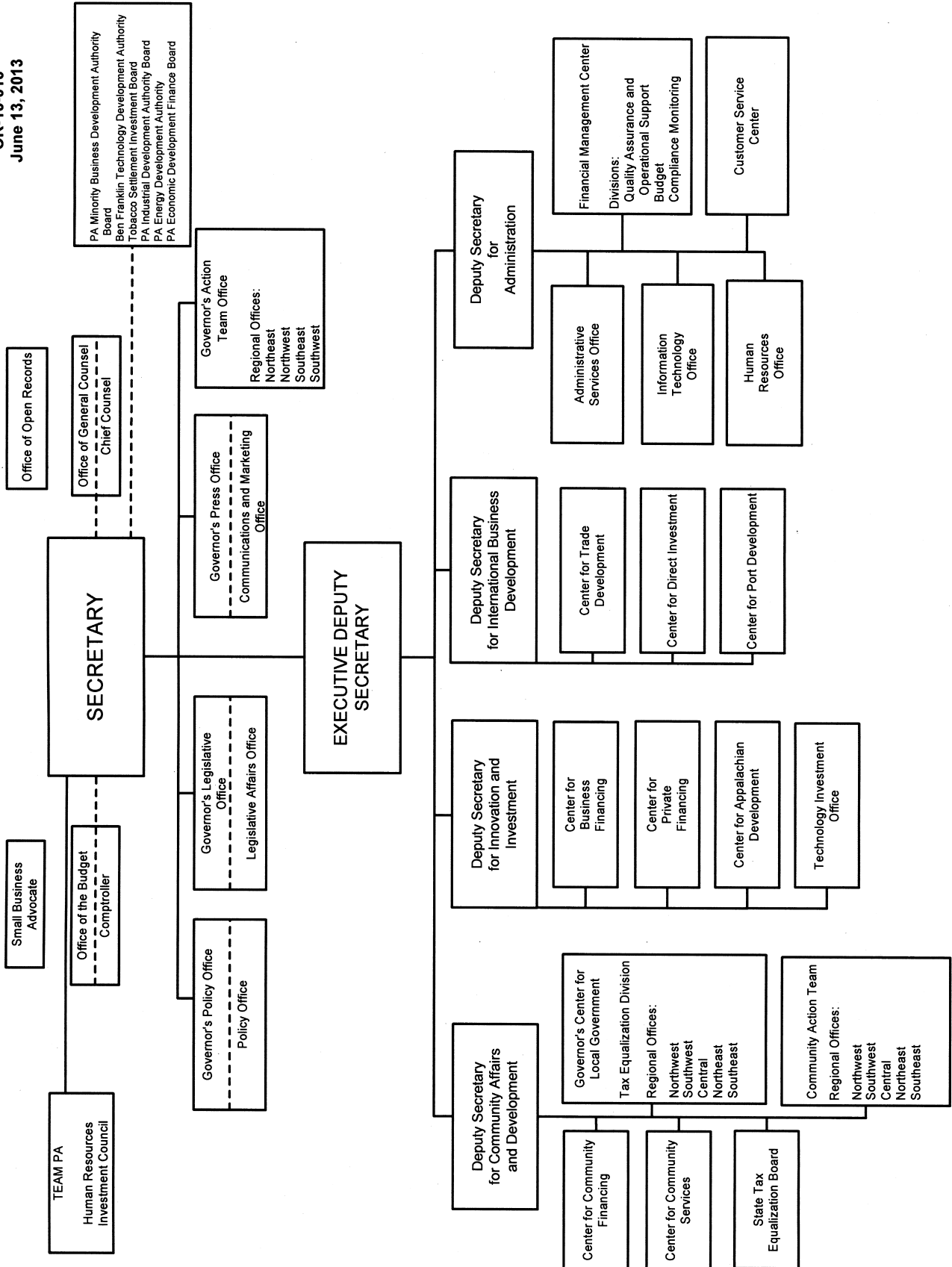
The organization chart at 43 Pa.B. 3513 (June 29, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of *Pennsylvania Code*) as a document general and permanent in nature which shall be codified in the *Pennsylvania Code*.)

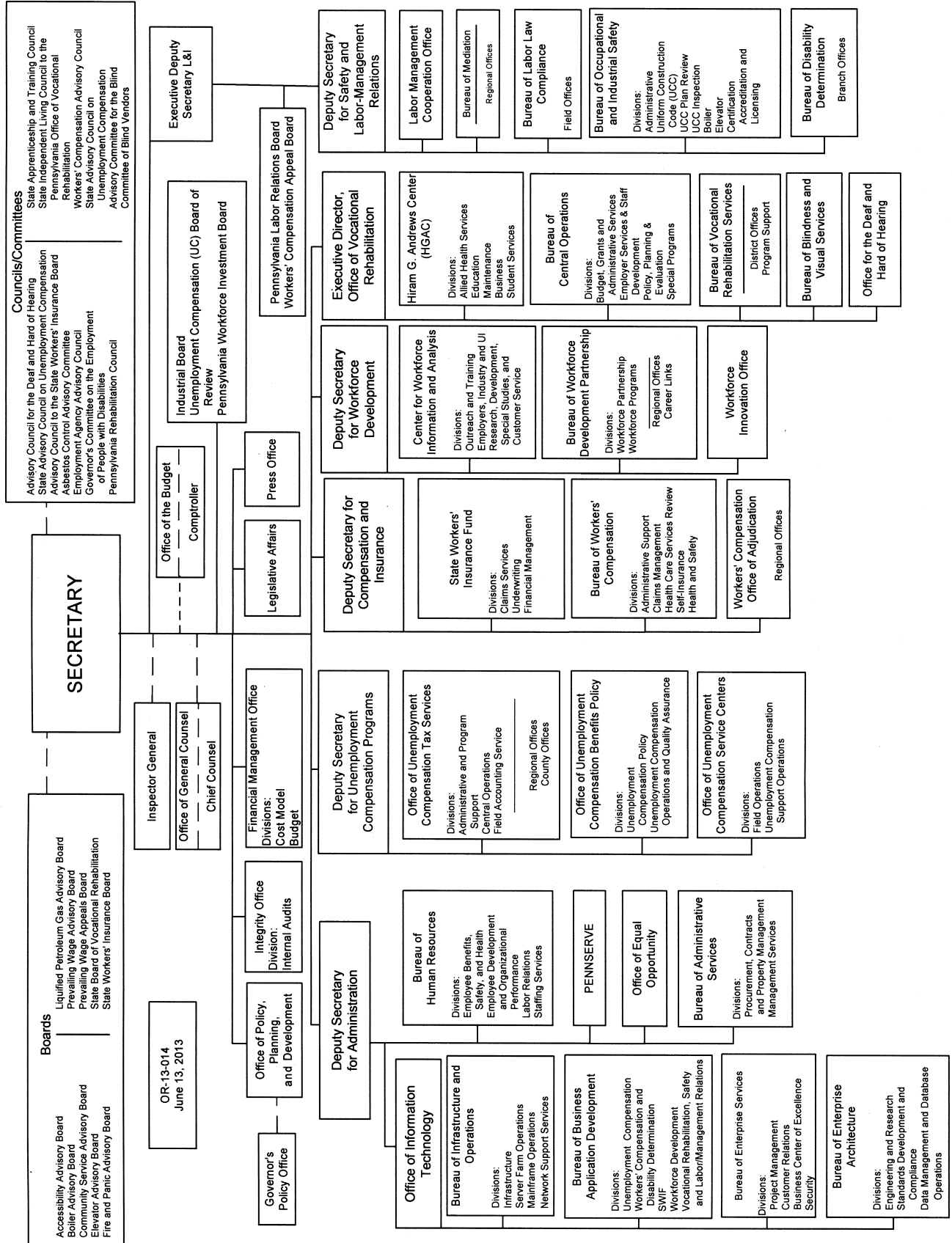
[Pa.B. Doc. No. 13-1158. Filed for public inspection June 28, 2013, 9:00 a.m.]

COMMUNITY AND ECONOMIC DEVELOPMENT

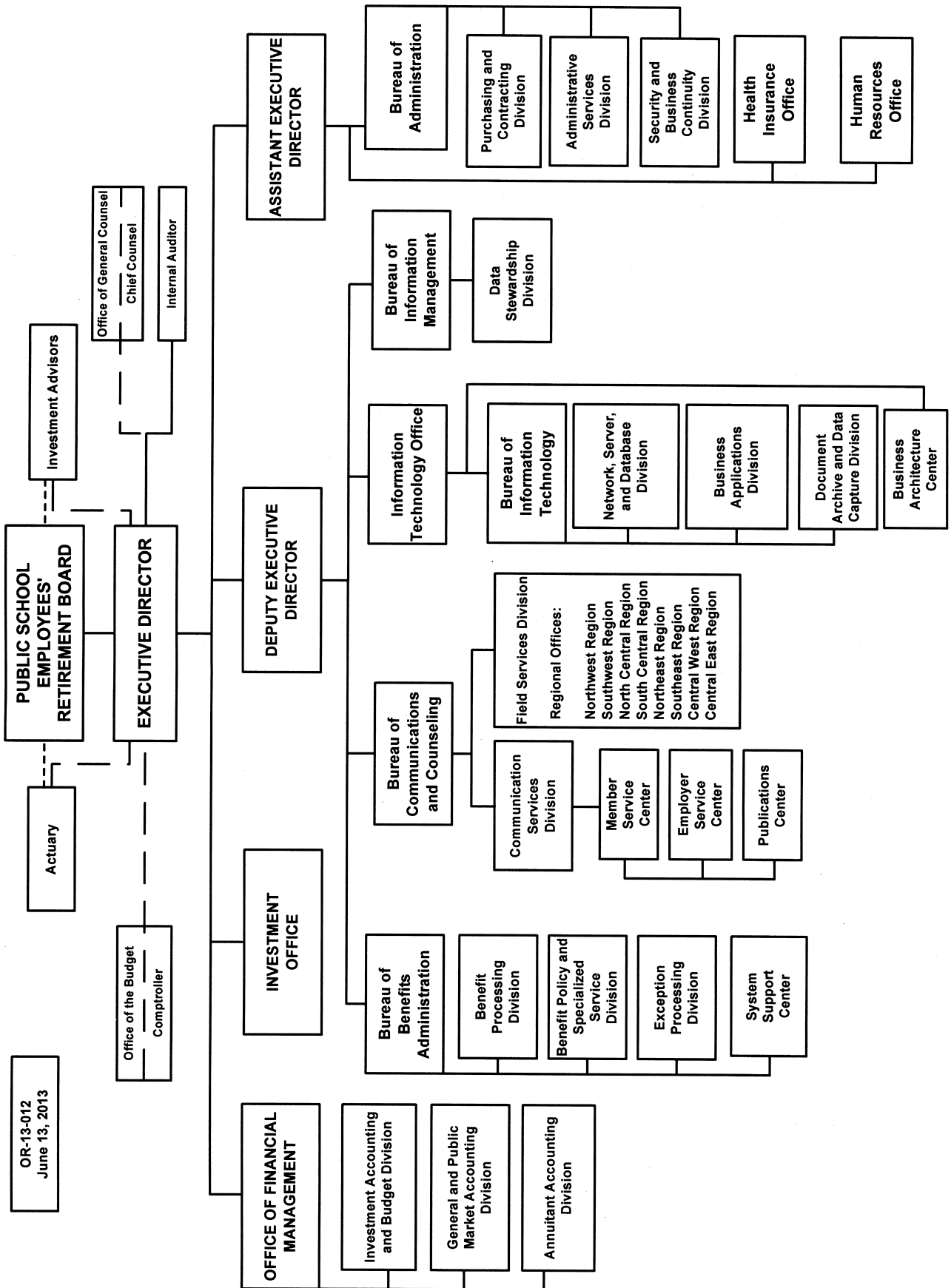
OR-13-013
June 13, 2013



DEPARTMENT OF LABOR AND INDUSTRY



PUBLIC SCHOOL EMPLOYEES' RETIREMENT SYSTEM



NOTICES

DELAWARE RIVER BASIN COMMISSION

Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Tuesday, July 9, 2013, and a business meeting will be held the following day on Wednesday, July 10, 2013. Both the hearing and business meeting are open to the public and will be held at the Carvel State Building, 820 North French Street, 2nd Floor Auditorium, Wilmington, DE.

Public hearing. The public hearing on July 9, 2013, will begin at 1:30 p.m. Hearing items will include draft dockets for the withdrawals, discharges and other water-related projects listed as follows and resolutions to: (a) reauthorize the Toxics Advisory Committee; (b) authorize the Executive Director to enter into a contract for water quality sampling and analysis to characterize the nature and extent of chronic toxicity in the Delaware River; and (c) authorize the Executive Director to enter into an agreement with the University of Maryland for the analysis of estuary water samples for productivity and nutrient parameters in connection with the Commission's nutrient management strategy. Written comments on draft dockets and resolutions scheduled for hearing on July 9, 2013, will be accepted through the close of the hearing that day. Time permitting, once the hearing on all scheduled matters has been completed, the meeting will include an opportunity for public dialogue.

The public is advised to check the Commission's web site at www.drbc.net periodically prior to the hearing date, as hearing items may be dropped if additional time is deemed necessary to complete the Commission's review.

Draft dockets and resolutions will be posted on the Commission's previously listed web site 10 days prior to the hearing date. Additional public records relating to the hearing items may be examined at the Commission's offices. Contact Project Review Section assistant Victoria Lawson at (609) 883-9500, Ext. 216 with any questions concerning these items.

1. *City of Trenton, D-1979-022 CP-2.* An application for the renewal of an existing discharge from the 20.0 million gallons per day (mgd) City of Trenton wastewater treatment plant (WWTP). The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 131.8 by means of Outfall No. 001, in the City of Trenton, Mercer County, NJ.

2. *Robeson Township Municipal Authority, D-1983-034 CP-3.* An application for the renewal of an existing discharge from the 0.3 mgd Robeson Township WWTP. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47—65.8 (Delaware River—Schuylkill River), in Robeson Township, Berks County, PA.

3. *South Whitehall Township Authority, D-1991-082 CP-3.* An application for the renewal of an existing groundwater withdrawal (GWD) of up to 60.0 million gallons per month (mgm) to supply the applicant's public

water supply system from ten existing wells (Wells Nos. 1—3, 5, 6, 9—11, 13 and 14) completed in the Beekmantown Group and Allentown Formation. The wells are located in the Cedar and Jordan Creeks watersheds, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in South Whitehall Township, Lehigh County, PA.

4. *Lower Bucks County Joint Municipal Authority (LBCJMA), D-1993-068 CP-2.* An application for the renewal of an existing discharge from the 10 mgd LBCJMA WWTP. The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 122.1 by means of Outfall No. 001, in Bristol Township, Bucks County, PA.

5. *Milford Senior Care and Rehabilitation Center, D-1998-051 CP-3.* An application for the renewal of an existing discharge from the 0.015 mgd Milford Senior Care and Rehabilitation WWTP. The WWTP will continue to discharge to Water Quality Zone 1C of the Delaware River at River Mile 251, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, PA.

6. *Bucks County Water and Sewer Authority, D-1999-066 CP-2.* An application for the renewal of an existing GWD of up to 6.61 mgm to supply the applicant's Solebury Township public water supply system from existing Wells Nos. S-1—S-3 in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Aquetong Creek Watershed in Solebury Township, Bucks County, PA.

7. *East Marlborough Township, D-2000-043 CP-3.* An application for the renewal of an existing discharge from the 0.44 mgd Unionville Regional WWTP. Treated effluent will continue to be spray irrigated adjacent to the West Branch Red Clay Creek near River Mile 70.73—10.0—2.6—13.4—7.4 (Delaware River—Christina River—White Clay Creek—Red Clay Creek—West Branch Red Clay Creek) in East Marlborough Township, Chester County, PA.

8. *Village of Delhi, D-2001-033 CP-3.* An application for the renewal of an existing discharge from the 1.015 mgd Village of Delhi WWTP. The existing WWTP will continue to discharge treated effluent to the West Branch Delaware River at River Mile 330.70—57.4 (Delaware River—West Branch Delaware River), approximately 22 miles upstream of the Cannonsville Reservoir, in the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Delhi, Delaware County, NY.

9. *West Norriton Township, D-2002-030 CP-2.* An application for the renewal of an existing GWD of up to 8.928 mgm to irrigate the applicant's golf course from existing Wells Nos. PW-1 and PW-3, completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Southeastern Pennsylvania Groundwater Protected Area (GWPA) in the Indian Creek Watershed, in West Norriton, Montgomery County, PA.

10. *Creek Road Development, LP, D-2004-018-2*. An application for the renewal of an existing GWD of up to 8.6 mgm to irrigate the applicant's partially completed golf course development project from existing Well Ramex No. 1 completed in the Stockton Formation. The golf course will also have access to up to 3.82 mgm of treated effluent to supplement irrigation once the pump station is constructed. The applicant will construct the pump station and bring the treated effluent online for irrigation prior to the construction of the remaining golf course holes. The well is located within the GWPA in the Little Neshaminy Creek Watershed, in Warwick Township, Bucks County, PA.

11. *Hudson Valley Foie Gras, LLC, D-2006-037-3*. An application for the renewal of an existing discharge from the 0.02 mgd industrial wastewater treatment plant. Treated effluent will continue to discharge to the Middle Mongaup River at River Mile 261.1—12.0—6.2—5.1—3.7 (Delaware River—Mongaup River—Swinging Bridge Reservoir—Mongaup River—Middle Mongaup River) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Liberty, Sullivan County, NY.

12. *Schuylkill County Municipal Authority, D-2010-019 CP-2*. An application for the renewal of an existing discharge from the 1.0 mgd Deer Lake WWTP. Treated effluent will continue to discharge to Pine Creek at River Mile 92.47—06.75—2.35 (Delaware River—Schuylkill River—Pine Creek) by means of Outfall No. 001, in West Brunswick Township, Schuylkill County, PA.

13. *Fiber Mark, Inc., D-1982-031-5*. An application for: (a) the renewal of an existing GWD and discharge; and (b) to increase the current withdrawal from existing Well No. 1 from 2.85 mg/30 days to 3.64 mgm. The withdrawal from existing Well No. 1 is used to cool the applicant's paper manufacturing facility. The applicant proposes to continue its discharge of noncontact cooling water to groundwater through injection Well No. 2. Wells Nos. 1 and 2 are completed in the Brunswick Formation. The wells are located within the GWPA in the Tohickon Creek Watershed, in Quakertown Borough, Bucks County, PA.

14. *Phillipsburg Town, D-1988-024 CP-2*. An application for the renewal of an existing discharge from the 3.5 mgd Phillipsburg WWTP and to approve modifications to the WWTP. Modifications consist of: (a) the addition of a flow equalization tank and ultraviolet light disinfection; (b) the addition of mixers, a BioMag treatment process and return-activated sludge pumps to the existing sequencing batch reactor process; and (c) relocation of the existing WWTP outfall to a point 300 feet downstream of its current location. The current outfall is situated on the Lopatcong Creek approximately 600 feet upstream of its confluence with the Delaware River; the proposed location will be 300 feet upstream of the confluence. The existing WWTP will remain at a hydraulic design capacity of 3.5 mgd, and will continue to discharge to the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in the Town of Phillipsburg, Warren County, NJ.

15. *Brodhead Creek Regional Authority (BCRA), D-1991-001 CP-3*. An application for the renewal of a water supply project to continue to withdraw up to a combined total of 248.97 mgm of surface water and groundwater for use in the applicant's existing public water supply system. The groundwater sources include

existing groundwater Wells Nos. 1 and 2 completed in unconsolidated glacial deposits, and Well No. 3, completed in the Buttermilk Falls Formation. Surface water sources include the Brodhead Creek and Stokes Mill Spring intakes. The applicant also has a bulk water purchase agreement with the Borough of East Stroudsburg, Monroe County, PA. The requested total system allocation represents a slight increase in the allocation previously approved in Docket No. D-1991-1 CP-2. The applicant has also requested a modification of its service area to include: the planned Kalahari Resort, a portion of the Pocono Manor Development and area within the permanent right-of-way associated with the water distribution line located in Tobyhanna Township and expansion of BCRA's service area into additional portions of Smithfield Township. Additionally, the Pocono Manor Investors property in Pocono Township is removed from BCRA's service area. The existing project withdrawals are located in the Brodhead Creek and McMichael Creek watersheds in Stroud Township, Monroe County, PA within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

16. *East Stroudsburg Borough, D-1992-072 CP-2*. An application for the renewal of a groundwater and surface water withdrawal allocation to continue the applicant's withdrawal of up to 58.26 mgm of groundwater from existing Wells Nos. PW-1—PW-4 and up to 62 mgm of surface water from Sambo Creek. Total water supply system allocation will remain at 77.5 mgm. The docket also approves an allocation of up to 77.5 mgm from the Michael Creek surface water diversion. All water diverted from Michael Creek is directed to the headwaters of the Sambo Creek Watershed to augment the supply of water available in the Sambo Creek reservoirs operated by the Borough. The allocation is requested to meet projected increases in service area demand and to provide water for the emergency interconnections and bulk water sales interconnections with neighboring municipalities. The withdrawal wells are located in the Borough of East Stroudsburg in the Brodhead Creek Watershed and are completed in the Buttermilk Falls Formation and Pleistocene Sand and Gravel Aquifer. The project surface water withdrawals are located in the Michael Creek and Sambo Creek watersheds in Smithfield and Middle Smithfield Townships, Monroe County, PA. All withdrawals/diversions are located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

17. *Penn Estates Utilities, D-1999-020 CP-3*. An application to renew and approve modifications to the existing 0.56 mgd Penn Estates Utilities WWTP. The proposed modifications consist of the addition of a chemical storage tank and chemical feed pump to treat for phosphorous through chemical addition. The hydraulic capacity of the WWTP will not be modified. The WWTP will continue to discharge to an unnamed tributary (UNT) of the Brodhead Creek at River Mile 213.0—8.7—1.5 (Delaware River—Brodhead Creek—UNT Brodhead Creek), within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Stroud Township, Monroe County, PA.

18. *Bear Creek Mountain Resort and Conference Center, D-2005-016-2*. An application for the renewal of an existing discharge from the 0.045 mgd Bear Creek WWTP. Treated effluent is currently discharged to a drip irriga-

tion field year round. The applicant is proposing to make modifications to the WWTP to reuse treated effluent for snow-making purposes in the winter. Treated effluent will continue to be land applied adjacent to Swabia Creek near River Mile 183.66—17.0—11.4—7.2 (Delaware River—Lehigh River—Little Lehigh River—Swabia Creek), within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Longswamp Township, Berks County, PA.

19. *Tuthill Corporation and Aquashicola-Little Gap, Inc., D-2008-023-3.* An application for the renewal of an existing discharge from the 0.06 mgd Blue Mountain Ski Area WWTP. The applicant has also requested approval to expand the facility to treat and discharge up to 0.28 mgd. The WWTP will continue to discharge treated effluent to the Aquashicola Creek at River Mile 183.66—36.32—5.73 (Delaware River—Lehigh River—Aquashicola Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Lower Towamensing Township, Carbon County, PA.

20. *Pearl Sewer Transportation Corporation, D-2013-005 CP-1.* An application for approval of the construction and operation of the new 0.07 mgd Camp Ohr Shalom WWTP. The applicant proposes to discharge treated effluent to a UNT of the Neversink River at River Mile 253.64—35.56—3.32 (Delaware River—Neversink River—UNT) by means of Outfall No. 001A, within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in the Town of Fallsburg, Sullivan County, NY.

Note: Project details commonly change in the course of the Commission's review, which is ongoing.

Public meeting. The business meeting on July 10, 2013, will begin at 12:15 p.m. and will include the following items: adoption of the minutes of the Commission's May 8, 2013, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel and consideration of items for which a hearing has been completed. The Commissioners also may consider action on matters not subject to a public hearing.

There will be no opportunity for additional public comments at the July 10, 2013, business meeting on

items for which a hearing was completed on July 9, 2013, or a previous date. Commission consideration on July 10, 2013, of items for which the public hearing is closed may result in either approval of the docket or resolution as proposed, approval with changes, denial or deferral. When the commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance sign-up for oral comment. Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt, (609) 883-9500, Ext. 224 or paula.schmitt@drbc.state.nj.us.

Addresses for written comment. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or submitted in advance of the hearing date to Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522 or paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the previously listed address or fax number or e-mail william.muszynski@drbc.state.nj.us.

Accommodations for special needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting or hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission can accommodate their needs.

Updates. Note that items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Other meeting items also are subject to change. Check the Commission's previously listed web site closer to the meeting date for changes that may be made after the deadline for filing this notice.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 13-1159. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (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 and Securities 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 June 18, 2013.

Under section 503.E of the Department of Banking and Securities 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 and Securities, 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 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
6-3-2013	Martin Tuchman Application for approval to acquire up to 50% ownership interest of Vantage Point Bank, Horsham.	Withdrawn

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-3-2013	Noah Bank Elkins Park Philadelphia County	38 West 32nd Street New York New York	Opened
6-13-2013	Woodlands Bank Williamsport Lycoming County	Corner of Church and Jay Streets Lock Haven Clinton County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-9-2013	Noah Bank Elkins Park Philadelphia County	<i>To:</i> 2337 Lemoine Avenue Fort Lee New Jersey <i>From:</i> 1550 Lemoine Avenue Fort Lee New Jersey	Withdrawn

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
6-13-2013	Royal Bank America Narberth Montgomery County	<i>To:</i> 1230 Walnut Street Philadelphia Philadelphia County <i>From:</i> 30 South 15th Street Philadelphia Philadelphia County	Approved

Branch activity was listed on previous summary as a relocation

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-1160. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

FDC-302-6975.1R—General Construction, Rehabilitation of Park Facilities, Blue Knob State Park, Pavia Township, Bedford County. Work included under this

contract consists of swimming pool improvements including: renovations to provide pool entry ramp, new gutter system, new PVC liner, new 5,000 gallon surge tank, replacement of pool piping and valves, new ladders, lifeguards stands and other related features; removal of concrete pool deck, installation of new concrete deck and removal and replacement of new fencing; pool filtration system improvements consisting of new chemical storage and feed equipment; installation of a new water service; removal and replacement of existing pool filtration building's roof, including new sheathing, fascia, drip edge, gutters, felt underlayment and doors; construct a 13.5' x 10' addition onto the existing pool filtration building to store the new liquid chlorine tanks; installation of new ADA parking spaces and associated walkways; regrading and paving of the north parking lot; and road paving. Bid documents will be available on or after June 26, 2013.

The bid opening will be held on July 25, 2013.

FDC-302-6975.4.R—Electrical Construction, Rehabilitation of Park Facilities, Blue Knob State Park, Pavia Township, Bedford County. Work included under this contract consists of demolishing of existing electrical lighting, receptacles, light switches and associated electrical conduit on ceiling in filter building; upgrading filter building electrical service, power and lighting; and provide power and lighting to the new filter building addition. Bid documents will be available on or after June 26, 2013. The bid opening will be held on July 25, 2013.

ELLEN FERRETTI,
Acting Secretary

[Pa.B. Doc. No. 13-1161. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Youngstown State University for Approval as an Education Enterprise to Offer Courses in Pennsylvania

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 of Youngstown State Univer-

sity based in Youngstown, OH, for approval as an education enterprise to offer courses in Pennsylvania toward a degree that will be awarded under degree-granting authority in Ohio. The university will offer a degree completion program in Social Work leading to a Bachelor of Social Work degree. The program will be offered at Butler County Community College, Butler, PA.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without a hearing, unless, within 30 days after the publication of this notice in the *Pennsylvania Bulletin*, a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previous 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 Dr. Rod Niner at (717) 783-8228 to discuss accommodations.

WILLIAM E. HARNER, Ph.D.,
Acting Secretary

[Pa.B. Doc. No. 13-1162. Filed for public inspection June 28, 2013, 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. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. 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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<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>
PA0012505 (Industrial Waste)	Lafarge North American Whitehall Cement Plant 5160 Main Street Whitehall, PA 18052-1827	Lehigh County Whitehall Township	Lehigh River (2-C)	Y
PA0060151 (Sewage)	Camp Na'arim RR 1 Waymart, PA 18472	Wayne County Clinton Township	Unnamed Tributary to Van Auken Creek (1B)	Y

Southcentral Region: Clean Water 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>
PA0083003 (IW)	Dudley Carbon Coalmont Joint Municipal Authority PO Box 276 Dudley, PA 16634	Huntingdon County / Carbon Township	Shoup Run / 11-D	Y
PA0261106 (IW)	Voith Hydro, Inc. PO Box 712 York, PA 17405	York County / West Manchester Township	Codorus Creek / 7-H	Y
PA0080004 (SEW)	AE Sauce, Inc., dba Gibble Foods 357 West Main Avenue Myerstown, PA 17067	Franklin County / Antrim Township	UNT Conococheague Creek / 13-C	Y

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217719 Sewage	Riviera MHC 295 Tunnel Rd Smithfield, PA 15478-1471	Greene County Dunkard Township	Monongahela River	Y

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>
PA0222682 (Sewage)	Leasa A Maley SFTF 79 Arlia Road Bradford, PA 16701	McKean County Corydon Township	un-named tributary of Willow Creek (16-B)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PA0012777, Storm Water, SIC Code 2821, 2869, **Rohm & Haas Chemicals LLC**, 5000 Richmond Street, Philadelphia, PA 19137-1815. Facility Name: Rohm & Haas Philadelphia Plant. This existing facility is located in City of Philadelphia, **Philadelphia County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Storm Water.

The receiving stream(s), Delaware River and Unnamed Tributary to Delaware River (Frankford Inlet), is located in State Water Plan watershed—3J and is classified for Warm Water Fishes and Migratory 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 stormwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on stormwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on stormwater.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- Stormwater Requirements
- PCB PMP Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0011762, Industrial, NAICS Code 331, **American Nickeloid Co.**, 131 Cherry Street, Walnutport, PA 18088. Facility Name: American Nickeloid. This existing facility is located in Walnutport Borough, **Northampton County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial wastewater and stormwater.

The receiving stream(s), Lehigh River, is located in State Water Plan watershed 2-C and is classified for Trout Stocking and Migratory 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:

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Outfall 101 are based on a design flow of 0.045 MGD.

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	XXX	9.0
Total Suspended Solids (lbs/min)	11.26	22.52	XXX	30.0	60.0	75
Total Dissolved Solids	1,501.20	3,002.40	XXX	4,000	8,000	10000
Oil and Grease	5.63	11.26	XXX	15.0	XXX	30.0
Total Cadmium	0.10	0.26	XXX	0.26	0.69	XXX
Total Chromium	0.64	1.04	XXX	1.71	2.77	XXX
Total Copper	0.78	1.27	XXX	2.07	3.38	XXX
Total Cyanide	0.24	0.45	XXX	0.65	1.20	XXX
Total Lead	0.16	0.26	XXX	0.43	0.69	XXX
Total Nickel	0.89	1.49	XXX	2.38	3.98	XXX
Total Silver	0.09	0.16	XXX	0.24	0.43	XXX
Total Zinc	0.56	0.98	XXX	1.48	2.61	XXX
Total Toxic Organics	XXX	0.8	XXX	XXX	2.13	XXX

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 in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

Application No. PA0262056, Concentrated Animal Feeding Operation (CAFO), **Zimmerman Elvin (Elvin Zimmerman Farm CAFO)**, 180 Degan Road, Mifflintown, PA 17059.

Zimmerman Elvin has submitted an application for an Individual NPDES permit for a new CAFO known as Elvin Zimmerman Farm CAFO, located in Fayette Township, **Juniata County**.

The CAFO is situated near Lost Creek in Watershed 12-A, which is classified for High Quality Waters—Cold Water Fishes. The CAFO is designed to maintain an animal population of approximately 294.49 animal equivalent units (AEUs) consisting of 144,000 poultry broilers and 4 beef. Manure is stored as dry litter in the bird houses while the beef manure is left uncollected in the pasture. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0247359, Industrial Waste, SIC Code 3089, **Key Plastics L.L.C.**, 12367 Mt. Olivet Road, Felton, PA 17322-8449. Facility Name: Key Plastics—Felton WWTP. This existing facility is located in Winterstown Borough, York County.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream, Unnamed Tributary of East Branch Codorus Creek, is located in State Water Plan watershed 7-H and is classified for High Quality Waters—Cold 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 0.000550 MGD.

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	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.26	XXX	0.85
Conductivity (µmhos/cm)	XXX	XXX	XXX	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Bromoform	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000475 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.26	XXX	0.85
Conductivity (µmhos/cm)	XXX	XXX	XXX	XXX	Report	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX
Bromoform	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000020 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

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.

PA0020893, Sewage, SIC Code 4952, **Manheim Borough Authority Lancaster County**, 18 E High Street, Manheim, PA 17545-1505. Facility Name: Manheim STP. This existing facility is located in Penn Township, **Lancaster 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), Chickies Creek, is located in State Water Plan watershed 7-G and is classified for Warm Water Fishes and Migratory 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 2.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
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	5.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.46	XXX	1.5
Total Residual Chlorine (Final)	XXX	XXX	XXX	0.17	XXX	0.57
CBOD ₅						
May 1 - Oct 31	383	613	XXX	20	32	40
Nov 1 - Apr 30	479	767	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	575	863	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 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	53	XXX	XXX	2.8	XXX	5.6
Nov 1 - Apr 30	161	XXX	XXX	8.4	XXX	16
Total Phosphorus	38	XXX	XXX	2.0	XXX	4.0
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	2.13 Avg	XXX	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	2.13 Avg	XXX	XXX

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
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	20822			
Net Total Phosphorus	Report	2776			

* 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.

In addition, the permit contains the following major special conditions:

- Solids management
- Whole effluent toxicity
- Requirements for total residual chlorine
- Requirements applicable to stormwater outfalls

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 not in effect.

PA0033065, Sewage, SIC Code 6515, **Vanderhomes LLC**, 2379 Brandt Road, Annville, PA 17003-8849. Facility Name: Palm City MHP. This existing facility is located in South Annville Township, **Lebanon 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), Killinger Creek, is located in State Water Plan watershed 7-D 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 0.036 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Geo Mean	
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	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
Ammonia-Nitrogen				Geo Mean		
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Phosphorus						
(Interim)	Report	XXX	XXX	Report	XXX	Report
(Final)	154.5	XXX	XXX	Report	XXX	Report
	Annl Avg					

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.

PA0248185, Sewage, SIC Code 4952, **Jackson Township Authority Lebanon County**, 60 N Ramona Road, Myerstown, PA 17067-2149. Facility Name: Jackson Township STP. This existing facility is located in Jackson Township, **Lebanon 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 to Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Cold 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 0.5 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
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	5.0	XXX	XXX	XXX
CBOD ₅						
May 1 - Oct 31	67	104	XXX	16	25	32
Nov 1 - Apr 30	104	167	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	125	187	XXX	30	45	60
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 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	7.1	XXX	XXX	1.7	XXX	3.4
Nov 1 - Apr 30	21	XXX	XXX	5.1	XXX	10.2
Total Phosphorus	4.1	XXX	XXX	1.0	XXX	2.0
Total Dissolved Solids	4,170	XXX	XXX	1,000	XXX	2000

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.

PA0020648, Sewage, SIC Code 4952, 221320, **Port Royal Borough Municipal Authority**, 804 8th Street, Port Royal, PA 17082-9400. Facility Name: Port Royal STP. This existing facility is located in Port Royal Borough, **Juniata 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), Juniata River, is located in State Water Plan watershed 12-A and is 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 0.2 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
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	0.5	XXX	1.6
CBOD ₅	42	67 Wkly Avg	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	50	75 Wkly Avg	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 Geo Mean	XXX	10000

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
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	

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.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0240168, Concentrated Animal Feeding Operation (CAFO), **Bortnick Dairy LLC (Bortnick Dairy Farm)**, 21820 Palmer Road, Conneautville, PA 16406.

Bortnick Dairy LLC has submitted an application for an individual NPDES permit for an existing CAFO known as Bortnick Dairy Farm, located in Beaver Township, **Crawford County**.

The CAFO is situated near Stone Run in Watershed 15-A, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 2,605 animal equivalent units (AEUs) consisting of 1,600 mature dairy cows, 500 dairy heifers and 200 calves. Manure is gravity-fed to a 3.16 million gallon manure storage pond after it receives digestion, through anaerobic digesters and solids separation. A second, 6.4 million gallon storage pond is piped, in series, to provide additional storage. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0238791, Sewage, SIC Code 4952, 8811, **Rae Kent Gardner**, PO Box 43, Warren, PA 16365-0043. Facility Name: Rae Kent Gardner SFTF. This proposed facility is located in Conewango Township, **Warren County**.

Description of Proposed Activity: The application is for a new NPDES permit for a existing discharge of treated sewage.

The receiving stream is Morse Run, located in State Water Plan watershed 16-B and classified for High Quality Waters—Cold Water Fish, 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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Maximum	Average Monthly	Geo Mean	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	20	XXX	40
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000

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

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4813403, Sewage, **Bethlehem Township Municipal Authority**, 4225 Easton Ave, Bethlehem, PA 18020.

This proposed facility is located in Bethlehem Township, **Northampton County**.

Description of Proposed Action/Activity: A sanitary sewer extension consisting of approximately 11,000 L.F. of 8-inch diameter SDR-35 pipe and approximately 1,700 L.F. of 10-inch diameter SDR-35 pipe is proposed to be connected to the existing gravity sewer system. The sewer extension will serve a proposed residential and commercial development, known as Madison Farms, located on the north side of Freemansburg Avenue, approximately 500 west of Emrick Boulevard. Sewage flows from the proposed mixed use development will be conveyed to the Nancy Run Interceptor, and will ultimately flow to the City of Bethlehem's wastewater treatment plant.

WQM Permit No. 3913401, Sewage, **MHC Lil Wolf LP**, 2 N Riverside Plz Ste 800, Chicago, IL 60606-2682.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Replacement of existing Headworks Pump Station.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01201301, Sewage, **Lucas M. Silvis**, 22862 Ellis Road, Cambridge Springs, PA 16403.

This proposed facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. WQG01251306, Sewage, **Mark A. Bliley**, 8536 East Lake Road, Erie, PA 16511.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Applications for Stormwater Discharges from MS4

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

PAI130507, MS4, **Charlestown Township Chester County**, P. O. Box 507, Devault, PA 19432. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Charlestown Township, Chester County. The receiving stream(s), Unnamed Tributary of French Creek, Unnamed Tributary to Pickering Creek and Unnamed Tributary to Valley Creek, is located in State Water Plan watershed 3-D, 3-F and 3-H and is classified for Exceptional Value Waters, Migratory Fish, High Quality Waters—Trout Stocking, Migratory Fishes, Cold Water Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Permit #	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI030611008(2)	East Penn Manufacturing Co. Deka Road PO Box 147 Lyon Station, PA 19536	Berks	Lyons Borough, Richmond and Maxatawny Townships	Moselem 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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI041413003	Columbia Gas of PA 4000 Energy Dr Bridgeville PA 15017	Centre	College Township State College Boro	Thompson Run HQ-CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI050213004	Gary & Daniela Folino 170 Millview Drive Pittsburgh, PA 15238	Allegheny	Fox Chapel Borough	Squaw Run (HQ-WWF)

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050213005R	Maronda Homes, Inc. 1383 St. Rt. 30 Clinton, PA 15026	Allegheny	North Versailles Township	Jacks Run Watershed (HQ-TSF)
PAI050213007	Oliver/Hatcher Construction 27333 Meadowbrook Road Suite 100 Novi, MI 48377 & RD America, LLC 15-24 132nd St College Point, NY 11356	Allegheny	City of Pittsburgh	Allegheny River (WWF-N)

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>
Whispering Pines Farm 313 Deka Road Fleetwood, PA 19522	Berks	125.4	443.34	Hogs	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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 3613505, Public Water Supply.

Applicant **Northwestern Lancaster County Authority**
 Municipality Penn Township
 County **Lancaster**
 Responsible Official David Stewart PE, Chairman
 97 North Penryn Road
 Manheim, PA 17545
 Type of Facility Public Water Supply
 Consulting Engineer Mark L Homan, P.E.
 Becker Engineering LLC
 111 Millersville Road
 Lancaster, PA 17603
 Application Received: 5/30/2013
 Description of Action Permitting of Well No. 3 and installation of additional modules to increase the capacity of the Siemens Membrane Filtration Plant.

Permit No. 0113502, Public Water Supply.

Applicant **Koony's Barn**
 Municipality Germany Township
 County **Adams**
 Responsible Official Mark Williams, Operator
 999 Baltimore Road
 York Springs, PA 17372
 Type of Facility Public Water Supply
 Consulting Engineer Craig J Zack, P.E.
 KPI Technology
 143 Carlisle Street
 Gettysburg, PA 17325
 Application Received: 6/10/2013
 Description of Action Installation of a nitrate removal treatment system.

Application No. 3613506, Minor Amendment, Public Water Supply.

Applicant **Hobo Hollow Campground LLC**
 Municipality Martic Township
 County **Lancaster**
 Responsible Official William F Gring, Owner
 65 Nissley Lane
 Holtwood, PA 17532
 Type of Facility Public Water Supply

Consulting Engineer Charles A Kehew II, P.E.
 James R. Holley & Associates, Inc.
 18 South George Street
 York, PA 17401
 Application Received: 6/10/2013
 Description of Action Installation of anion exchange for nitrate treatment.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 0413505MA, Minor Amendment.

Applicant **Municipal Authority of the Borough of Midland**
 946 Railroad Avenue
 Midland, PA 15059
 [Township or Borough] Midland Borough
 Responsible Official Raymond Presutti,
 Authority Board Chairman
 Municipal Authority of the Borough of Midland
 946 Railroad Avenue
 Midland, PA 15059
 Type of Facility Water system
 Consulting Engineer Widmer Engineering, Inc.
 806 Lincoln Place
 Beaver Falls, PA 15010
 Application Received Date June 12, 2013
 Description of Action Painting and rehabilitation of the Sunrise Hills water storage tank.

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.

Nanticoke Former Manufactured Gas Plant, Walnut and Arch Street, **Luzerne County**, John Roberts, Stantec Consulting Services Inc., has submitted a Notice of Intent to Remediate on behalf of his clients, Anthony Rymar, UGI Penn Natural Gas, Inc., 2525 North 12th Street, Reading, PA 19612 and Pamela Heard, City of Nanticoke, 15 East Ridge Street, Nanticoke, PA 18634, concerning the remediation of soil and groundwater found to have been impacted by polycyclic aromatic hydrocarbons (PAH), volatile organic compounds (VOC) and lead caused from historical operations used for the manufacture of coal gas. The applicants propose to remediate the site to meet the residential Statewide Health Standards for soil and the Site Specific Standards for soil and groundwater. The intended future use of the site will be used for recreational purposes. A summary of the Notice of Intent to remediate was published in both *The Citizens Voice* and *The Times Leader* on May 22, 2013.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Wildwood Park / Interstate 81 Diesel Spill, 100 Wildwood Way, Harrisburg, PA 17110, City of Harrisburg and Susquehanna Township, **Dauphin County**. Environmental Products & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Dauphin County Parks & Recreation, 100 Wildwood Way, Harrisburg, PA 17110 and Tameric Enterprise, LLC, 1468 Pine Road, Carlisle, PA 17015 submitted a Notice of Intent to Remediate site soils, groundwater, sediment and surface water contaminated with diesel fuel released from a tanker trailer accident and fire. The site will be remediated to the Site-Specific standard. Future use of the site remains a park / nature center and an interstate. The Notice of Intent to Remediate was published in *The Patriot News/Sunday Patriot News* on May 19, 2013.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Sunoco Logistics Pipeline release, 4813 and 4869 William Penn Highway, Murrysville, **Westmoreland County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205 on behalf of Sunoco Logistics Partners, L.P.; 1735 Market Street, Suite LL, Philadelphia, PA 19103 has submitted a Notice of Intent to Remediate site groundwater contaminated from a gasoline release. Future use of the property will continue to be non-residential.

RESIDUAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application Number WMGM038SC001. Agri Marketing Inc., 190a Texter Mountain Road, Reinholds, PA 17569, **Lancaster County**. General Permit Application Number WMGM038 authorizes the grinding, shredding, and screening of untreated and unpainted standard gypsum wallboard, commonly known as Type X, generated at residential home and commercial construction sites, or manufacturing facilities, and backing paper from wallboard processing for beneficial use as: (i) a component of mushroom growing media, (ii) a soil additive material, (iii) a soil amendment, (iv) a component or ingredient in a manufacturing process, and (v) an animal bedding material. On May 29, 2013, Central Office received a request from Agri Marketing Inc. to expand the beneficial uses approved in General Permit Application Number WMGM038 to include use in: (i) production of mulch, (ii) as a bulking agent, and (iii) as an ingredient in cement, concrete, grout, asphalt or flowable backfill mixtures for construction purposes. Agri Marketing Inc. also requested clarification and modification of the types of wallboard that may be accepted under the general permit, to include some wallboard that has regular or Type X core but is

classified as “specialty drywall.” Examples include wall-board classified as “specialty drywall” due to its thickness or lack of facing.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGM038” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

General Permit Application Number WMGR114SC001. CRS Reprocessing, LLC, 569 Industrial Drive, Lewisberry, PA 17339, York County. This application is for a major modification to General Permit Number WMGR114 to include the processing of lapping compound, a petroleum oil based silicon carbide slurry, to return, after processing, to the original consumer for beneficial reuse. The original general permit is for the processing and beneficial use of (1) spent polyethylene glycol slurry containing silicon and silicon carbide or diamond and (2) spent aluminum cold rolling fluids by mechanical separation, including filtration, thin film vacuum evaporation, spray drying, classification and grinding for use as (1) fresh slurry and in production of silicon ingots and (2) for reuse of aluminum cold rolling fluid. This amendment request was received in Central Office on June 4, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay Service, (800)654-5984. Comments may also be submitted via email at rapbenuseall@pa.gov. When submitting comment via email, place “Comments on WMGR114SC001” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

General Permit Application No. WMGR143. Kurt J. Lesker Company, 1925 Route 51, Jefferson Hills, PA 15025; Site: Kurt J. Lesker Reclaim Facility, 1515 Worthington Avenue, Clairton, PA 15025, Allegheny County. This notice inadvertently listed the incorrect county for the facility. The facility is located in Allegheny County. This general permit application is for the processing of used specialty oils and fluids, including silicones, polyphenyl ethers, halocarbons, perfluorinated polyethers, and organic compounds, by solvent extraction, adsorption, distillation, and filtration for reuse at the point of generation. The used oils and fluids are generated from industrial cooling and other fluid systems. The oils do not include petroleum oils. The application was determined to be administratively complete by Central Office on May 17, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of

Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR143” in the subject line. Faxed comments will not be accepted. Public comments must be submitted by August 14, 2013 and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability approved Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; 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

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

General Permit Application No. WMGR017, Program I.D. WMGR017-NE001, Borough of Schuylkill Haven, 12 West Main Street, Schuylkill Haven, PA 17972. A General Permit Determination of Applicability (DOA) for the beneficial use of water treatment plant sludge from the Tumbling Run Water Plant located in North Manheim Township, **Schuylkill County** as a soil additive. The DOA application was approved on June 17, 2013.

Persons interested in reviewing the permit may contact William Tomayko, Environmental Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act 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. 101600. Waste Reduction Recycling & Transfer, Inc., 2100 Sans Souci Parkway, Wilkes-Barre, PA 18706. Hanover Township, Luzerne County. An application for permit reissuance to change ownership from Waste Reduction Recycling Center, Inc. to Waste Reduction Recycling & Transfer, Inc. The application was received in the Regional Office on June 13, 2013 and was found to be administratively complete as of June 17, 2013.

Comments concerning the application should be directed to William Tomayko, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Telephone 412-442-4000.

Permit ID No. 101648. Stericycle, Inc., 380 Locust Street, McKeesport, PA 15132. Application for reissuance of permit for operation of an Infectious/Chemotherapeutic Waste processing facility in the City of McKeesport, **Allegheny County** was received in the regional office on May 29, 2013 and deemed administratively complete on June 17, 2013.

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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00007A: Transcontinental Gas Pipe Line Co., LLC (PO Box 1396, Houston, TX 77251-1396) for construction of two (2) natural gas compression processes and emergency power generation process at the Station 517 facility to be in Jackson Township, **Columbia County**.

41-00001A: Transcontinental Gas Pipe Line Co., LLC (PO Box 1396, Houston, TX 77251-1396) for construction of a natural gas compression process and emergency power generation process at the Station 520 facility to be in Mifflin Township, **Lycoming County**.

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.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief - Telephone: 570-826-2507

40-00121A: Greater Hazleton Joint Sewer Authority (P O Box 651, Hazleton, PA 18201) for installation of a Fluidized Bed Incinerator to process sewage sludge generated at their facility in **Luzerne County**. Emissions generated from the incinerator will be control by a Venturi scrubber and wet electrostatic precipitator, which meets the Department's BAT requirements. The plant is subject to 40 CFR Part 60 Subparts O & LLL requirements. The facility subject to the 40 CFR Part 61, Subpart C—National Emission Standard for Beryllium & 40 CFR Part 61, Subpart E—National Emission Standard for Mercury. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x, Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05092H: Starbucks Coffee Company (3000 Espresso Way, York, PA 17406) for construction of the following sources: two coffee roasters controlled by a regenerative thermal oxidizer; two cooling trays controlled by dedicated cyclones; two destoners controlled by dedicated cyclones; and a chaff press controlled by a cyclone at its York Roasting Plant in East Manchester Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This Plan Approval will be incorporated into the company's State-Only Operating Permit via an administrative amendment at a later date pursuant to 25 Pa. Code § 127.450(a)(5).

Plan Approval No. 67-05092H authorizes the construction of the abovementioned sources. The Plan Approval and State-Only Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. Estimated annual potential emissions are the following: 21.0 tons NO_x; 8.2 tons PM₁₀; 8.2 tons PM_{2.5}; 8.0 tons CO; 6.7 tons VOC; 0.1 ton SO_x; 0.1 ton formaldehyde; 0.1 ton acetaldehyde; 5,353 tons CO₂; 0.1 ton CH₄; and 5,358 tons CO_{2e}.

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 the PA DEP Southcentral Regional Office, at 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.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

67-05007D5: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327) for incorporation of relevant provisions from 40 CFR 63, Subpart DDDDD for their adhesive coating facility in Springfield Township, **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. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 67-5007D5 incorporates the relevant provisions from 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

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 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, or for requests for a public hearing. 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.

Tom Hanlon may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-009I: Domtar Paper Co., LLC (100 Center Street, Johnsonburg, PA 15845) for modifications to the existing No. 5 Paper Machine at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b) the Department of Environmental Protection (DEP) intends to issue Plan Approval 24-009I to Domtar Paper Company, LLC modifications to the existing #5 Paper Machine at their facility in Johnsonburg Borough, Elk County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-009I is for modifications to the existing #5 Paper Machine (Source ID 119) in order to accommodate additional paper grades. Based on the information provided by the applicant and DEP's own analysis, the proposed modifications will result in no increase in emissions from the subject source. The Plan Approval will contain additional testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 24-009I and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

25-1039A: Glunt Funeral Home, Inc. (210 Erie Street, Edinboro, PA 16412) to issue a plan approval for construction and operation of a human crematory at their existing Glunt Funeral Home facility in Edinboro Borough, **Erie County**. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

This plan approval application was submitted per the Department's instruction that crematories which open or plan to open their primary chamber's door during the cremation cycle could no longer use or obtain the GP-14 for authorization. Those crematories must be authorized by a plan approval or elect to no longer open the door during the cremation cycle in order to continue operating under GP-14 authorization. Glunt has elected to apply for a plan approval rather than prohibit the opening of their door which they feel is necessary for efficient and complete cremation cycles.

The crematory has been reviewed to evaluate its incorporation of BAT. The BAT contained in the GP-14 is still considered to be current BAT. This unit meets or exceeds each of the technologies or specifications identified in the GP-14; therefore, the use of this unit is considered to be meeting BAT for the construction of a crematory.

Emissions are estimated to be: less than 1.5 tons per year (tpy) of CO, less than 1.0 tpy of SO_x, NO_x, particulate matter, VOC, and HAP (each).

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice require-

ments designed to keep the facility operating within all applicable air quality requirements. 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 (814) 332-6340.

In accordance with 25 Pa. Code § 27.44(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 approval [25-1039A] 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 Jacob G. Chemsak, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6638. 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.

62-017T: United Refining Co. (15 Bradley Street, Warren, PA 16365) for installation of an 80 MmBtu/hr boiler at their Refinery in Warren City, **Warren County**. The proposed Boiler 5B will be installed as a result of Boiler 5's (60 MmBtu/hr) failure. The new boiler will only combust natural gas and will be equipped with a low NO_x burner and a flue gas recirculation system.

The heat input of Boiler 4 will be limited to 249 MmBtu/hr. This heat input limit is 20 MmBtu/hr less than previous authorizations which have permitted the boiler to operate up to its rated capacity of 269 MmBtu/hr. The facility will not have an increase in overall permitted heat input capacity.

This is a Title V facility. 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, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This project has been reviewed for PSD/NSR applicability. PSD/NSR program action will not be triggered. Some emissions will increase as a result of this project; however, none the increases in emissions are considered a major modification. Under NSR review, facility wide NO_x and VOC emission rate changes net to zero from reductions in emission rates which had occurred during the contemporaneous period.

Estimated emissions changes are shown in the table below.

	<i>SO_x</i> (tpy)	<i>SO₂</i> (tpy)	<i>VOC</i> (tpy)	<i>CO</i> (tpy)	<i>CO₂</i> (tpy)	<i>PM_{2.5}</i> (tpy)	<i>PM₁₀</i> (tpy)	<i>TSP</i> (tpy)	<i>NO₂</i> (tpy)	<i>NO_x</i> (tpy)
Sources' Baseline Actual Emissions	0	0	0	0	0	0	0	0	0	0
Project's PTE Emissions Estimate	1.31	1.31	1.40	13.14	38,228	1.75	1.75	1.75	11.98	12.61
Change in Emissions Resulting from the Project / PSD & NNSR Applicability Threshold	1.31	1.31	1.40	13.14	38,228	-	-	1.75	11.98	12.61
	-	40	40	100	75,000	10	15	25	40	

The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions):

Special Conditions

Additional
[25 Pa. Code § 127.12(b)]

1) The issuance of this plan approval does not alleviate the owner/operator from any applicable conditions or requirements found in the current operating permit.

2) This facility shall continue to comply with 40 CFR 63 Subpart CC which this source is subject to.

3) This source is subject to the conditions of Source Group "BOILER / PROCESS HEATER MACT" found in the facility's current operating permit. The permittee shall comply with the applicable conditions found therein.

Emission Restrictions
[25 Pa. Code § 127.12(b)]

1) Emissions of air contaminants from the source into the atmosphere shall not exceed the following:

a) The NO_x emissions shall not exceed 0.036 lbs./MmBtu, 12.61 tpy

b) The CO emissions shall not exceed 0.0375 lbs./MmBtu, 13.14 tpy

c) The VOC emissions shall not exceed 0.004 lbs./MmBtu, 1.40 tpy

d) The TSP emissions shall not exceed 0.005 lbs./MmBtu, 1.75 tpy

2) The permittee may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

a) Equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour.

b) Equal to or greater than 30% at any time.

Testing
[25 Pa. Code § 127.12(b)]

1) (a) Within 90 days after achieving the normal rated capacity at which the affected source will be operated a stack test for NO_x, CO, and VOC (NMOC) shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application.

2) At least 60 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department's Division of Source Testing and Monitoring and two copies to the appropriate Regional Office Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

3) At least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department.

4) Within 15 calendar days after completion of the on-site testing portion of an emission test program, if a complete test report has not yet been submitted, an electronic mail notification shall be sent to the Department's Division of Source Testing and Monitoring and the appropriate Regional Office indicating the completion date of the on-site testing.

5) A complete test report shall be submitted to the Department no later than 60 calendar days after completion of the on-site testing portion of an emission test program. For those tests being conducted pursuant to 40 CFR Part 61, a complete test report shall be submitted within 31 days after completion of the test.

6) A complete test report shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or non-compliance with all applicable permit conditions. The summary results will include, at a minimum, the following information:

(a) A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.

(b) Permit number(s) and condition(s) which are the basis for the evaluation.

(c) Summary of results with respect to each applicable permit condition.

(d) Statement of compliance or non-compliance with each applicable permit condition.

7) All submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual.

8) All testing shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection.

9) All submittals, besides notifications, shall be accomplished through PSIMS*Online available through <https://www.depgreenport.state.pa.us/ecommm/Login.jsp> when it becomes available. If internet submittal can not be accomplished, one copy of the submittal shall be sent to the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks. In a like manner, two copies of the submittal shall be sent to the appropriate Regional Office.

10) The permittee shall ensure all federal reporting requirements contained in the applicable subpart of 40 CFR are followed, including timelines more stringent than those contained herein. In the event of an inconsistency or any conflicting requirements between state and the federal, the most stringent provision, term, condition, method or rule shall be used by default.

11) Actions Related to Noncompliance Demonstrated by a Stack Test:

(a) If the results of a stack test, performed as required by this approval, exceed the level specified in any condition of this approval, the Permittee shall take appropriate corrective actions. Within 30 days of the Permittee receiving the stack test results, a written description of the corrective actions shall be submitted to the Department. The Permittee shall take appropriate action to minimize emissions from the affected facility while the corrective actions are being implemented. The Department shall notify the Permittee within 30 days, if the corrective actions taken are deficient. Within 30 days of receipt of the notice of deficiency, the Permittee shall submit a description of additional corrective actions to the Department. The Department reserves the authority to use enforcement activities to resolve noncompliant stack tests.

(b) If the results of the required stack test exceed any limit defined in this plan approval, the test was not performed in accordance with the stack test protocol or the source and/or air cleaning device was not operated in accordance with the plan approval, then another stack test shall be performed to determine compliance. Within 120 days of the Permittee receiving the original stack test results, a retest shall be performed. The Department may extend the retesting deadline if the Permittee demonstrates, to the Department's satisfaction, that retesting within 120 days is not practicable. Failure of the second test to demonstrate compliance with the limits in the plan approval, not performing the test in accordance with the stack test protocol or not operating the source and/or air cleaning device in accordance with the plan approval may be grounds for immediate revocation of the plan approval to operate the affected source.

12) (b) Within twelve (12) to eighteen (18) months prior to the expiration of the facility operating permit, a stack test for NO_x and CO shall be performed in accordance with the provisions in part (a). The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application.

Work Practice

[25 Pa. Code § 127.12(b)]

1) The actual firing rate of Boiler 4 shall not exceed 249 mmBtu/hr at any given time.

2) The permittee shall install and maintain the necessary meter(s) to determine and to record amount of fuel usage.

3) A copy of the boiler and burner manufacturer's operational and maintenance literature shall be maintained on site and shall be readily available.

4) The permittee shall perform an annual tune-up on the combustion process. The emissions of NO_x shall be minimized by annual combustion tuning, good operating practices and good air pollution control practices. The annual tune-up shall include, but not be limited to, the following:

a) Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.

b) Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable minimize emissions of CO.

c) Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.

d) Recording all adjustments in a permanently bound log book containing, at a minimum, the following information:

- i. The date of the tuning procedure.
- ii. The name of the service company and name, title, and signature of the technicians.
- iii. The final operating rate or load.
- iv. The final CO and NO_x emission rates in lb/mmBtu.
- v. The final excess oxygen rate.

Recordkeeping

[25 Pa. Code § 127.12(b)]

1) The fuel usage of Boiler 5B (Source 036) shall be recorded biweekly.

2) All visible emission observations conducted to comply with the monitoring requirements of this source shall be recorded in a log which shall contain the following at a minimum:

- a) Time and date of observation
- b) Name, title, and signature of the observer
- c) A detailed description of the observation made
- d) Any corrective action taken as result of the observation

3) All inspection observations and maintenance performed on boiler/burner shall be recorded in a log. This record shall, at a minimum, include:

- a) Time and date of observation
- b) Name, title, and signature of the observer
- c) A detailed description of the observation made
- d) Any corrective action taken as result of the observation

Reporting

- 1) None

Fuel Restrictions

[25 Pa. Code § 127.12(b)]

1) Only utility company supplied natural gas shall be used to fuel the burner. No other fuel shall be used.

Monitoring
[25 Pa. Code § 127.12(b)]

1) Emissions from Source 036 shall be observed at a minimum of once every 2 weeks to monitor and evaluate visible emissions.

In accordance with 25 Pa. Code § 127.44(f)(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 (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(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 approval [62-017V] 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 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 13130 Weber Display and Packaging, (3500 Richmond St, Philadelphia, PA 19134) for installation of One (1) 6-Color Lyon Rotary Diecutter Flexographic Press with Jet Pulse dust collector in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of less than 1.0 ton for Volatile Organic Compounds (VOCs), Hazardous Air Pollutant (HAPs) & Particulate matter for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

28-05012: Volvo Construction Equipment North America, LLC (312 Volvo Way, Shippensburg, PA 17257) for their heavy construction equipment manufacturing facility in Shippensburg Borough, **Franklin 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 a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual air emissions in 2012: 12.4 tons VOC; 1.4 tons NO_x; 0.1 ton PM₁₀; and 0.1 ton PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Source IDs 101, 103, 111, 114, 150, 151, 199, 204, and 220 are subject to the requirements of 40 CFR Part 63, Subpart XXXXXX—National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories. Source ID 305 is subject to the requirements of 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Source IDs 301 and 306 are subject to the requirements of 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Source IDs 302, 303 and 304 are subject to the requirements of 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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 the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, 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 operating permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the operating 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.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00190: Dickson Investment Hardware, Inc. (386 East Church Road, King of Prussia, PA 19406) for a Non-Title V Facility, State-Only, Natural Minor Permit in Upper Merion Township, **Montgomery County**. Dickson Investment Hardware, Inc. manufactures metal castings from ceramic shells and the ceramic shells from wax molds. The sources of emissions include a residual wax burnout furnace equipped with a thermal oxidizer. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

Southcentral Region: Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-03144: KRB Machinery, Inc. (1058 Cool Creek Road, Wrightsville, PA 17368) for operation of an emergency generator and coating booth at the facility in Lower Windsor Township, **York 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 renewal for the abovementioned facility.

Actual 2012 emissions at the facility are estimated to be less than one ton each of VOCs and combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, 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, protests or requests for a public hearing.

Mr. William Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air

Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

07-03034: Alpha Metals, Inc. (4100 Sixth Avenue, Altoona, PA 16602) for their secondary nonferrous metal recycling facility in the City of Altoona, **Blair 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 renewal for the abovementioned facility.

The subject facility recovers nonferrous metals from metal scrap materials such as telephone cables. Several baghouses and a dry scrubber control particulate matter emissions from recycling activities. Maximum post-control emissions of particulate matter (PM) are estimated at less than five tons per year. The State-only Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, 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.

William R. Weaver, Air Quality Regional Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams—Telephone: 814-332-6131

25-00969: Union Electric Steel Corp. (PO Box 465 Carnegie, PA 15106-0465) to issue a renewal of the State Only Operating Permit for the facility located at 1712 Green Garden Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include three electro slag remelt stations, 4 electrically heated slag pots, miscellaneous natural gas combustion sources 2 annealing furnaces, vessel preheaters, space heaters, welding, and parts cleaner. Particulate emissions from the remelt station and the slag pots are controlled by a fabric collector. The emissions from the facility are approximately 5.7 TPY NO_x, 1.4 TPY CO, 1.9 TPY PM-10, less than 1 TPY of SO_x, VOC, and HAPs.

42-00095: Georgia Pacific Corrugated II LLC (One Owens Way, Bradford, PA 16701) for a renewal of natural minor permit. The facility is manufacturing corrugated and solid fiber boxes and, located in City of Bradford, **McKean County**. The emitting sources included, (1) 350

HP Boiler, (2) 500 HP Boiler, (3) Miscellaneous Process Equipment, (4) Outdoor Storage Silo, (5) Metal Parts Washer (Cold Degreaser), and, (6) Miscellaneous VOCs (Printing and Gluing). The potential emissions of NO_x: 17 Tons per year, CO: 4 TPY and VOC: 8.3 TPY. The Boilers of the facility are not subject to 40 CFR Part 63 Subpart JJJJJJ because, those are gas fired boilers and run less than 48 hours using fuel Oil #6 for non-emergency purpose.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

N13-007: Falls Center—Ironstone (3300 Henry Avenue, Philadelphia, PA 19129) for the operation of a medical facility in the City of Philadelphia, **Philadelphia County**. The modification includes the following changes in the operating permit:

The facility has removed three boilers from the facility that reduce facility wide NO_x emission significantly and wants to change the previous synthetic minor classification to a Natural minor.

The operating permit will be amending under 25 Pa. Code, Philadelphia Code Title 3 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.

S13-006: Mutual Pharmaceutical (1100 Orthodox Street, Philadelphia, PA 19124) for operation of a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include five (5) coating pans, eight (8) modules, sixteen (16) electrical drying ovens, nine (9) dust collectors, eleven (11) combustion units burning natural gas rated less than 3 MMBtu/hr, two (2) catalytic oxidizers, one (1) wastewater pretreatment system, one (1) 277-horsepower emergency generator firing diesel fuel, and activities from the research, packaging, and granulation departments.

The operating permit will be renewed under 25 Pa. Code, Philadelphia Code Title 3 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

17743702 and NPDES No. PA0215490. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Lady Jane Plant in Huston Township, **Clearfield County** and related NPDES permit to expand the permit area and add two

NPDES outfalls. Coal Refuse Disposal Support Acres Proposed 50.5, Coal Refuse Disposal Acres Proposed 43.1. Receiving stream: Unnamed Tributaries to Moose Run, classified for the following use: CWF. The application was considered administratively complete on June 11, 2013. Application received May 21, 2012.

30841317. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in Morris Township, **Greene County** and Morris Township **Washington County** to add acreage for development mining. Underground Acres Proposed 3956.0, Subsidence Control Plan Acres Proposed 3956.0, No additional discharges. The application was considered administratively complete on June 12, 2013. Application received April 12, 2013.

30921601. River Processing Corporation, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). To renew the permit for the Monongahela Resources Tipple in Jefferson Township, **Greene County**. No discharges. The application was considered administratively complete on June 13, 2013. Application received May 28, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56130106 and NPDES No. PA0269221. Meyersdale Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 305.2 acres. Receiving streams: unnamed tributaries to/ and Blue Lick Creek classified for the following use: cold water fishery. The first potable water supply intake from the point of discharge is Ohiopyle Borough Municipal Water Works. Application received May 24, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63120105 and NPDES Permit No. PA0252298. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Application for commencement, operation and reclamation of a bituminous surface mine, located in Somerset Township, **Washington County**, affecting 50.2 acres. Receiving streams: unnamed tributaries to North Branch Pigeon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: June 3, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17060102 and NPDES PA 0256331. Strishock LLC (220 Hillcrest Drive, DuBois, PA 15801). Renewal application for continued operation of a bituminous surface mine in Brady Township, **Clearfield County**, affecting 140.0 acres. Receiving streams: Unnamed Tributary to Beech Run, Beech Run and East Branch Mahoning, classified for the following use(s): High Quality—Cold Water Fishes. The first downstream potable water supply intake from the point of discharge is East Branch Mahoning Creek. Application received: June 11, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

54851332C4 and NPDES Permit No. PA0595756. RS & W Coal Company, (207 Creek Road, Klingerstown, PA 17941), correction to an existing anthracite underground mine operation to include a revised subsidence control plan incorporating coal ash beneficial use with a post

mining and land use of unmanaged natural habitat in Norwegian Township and City of Pottsville, **Schuylkill County** affecting 2.1 acres, receiving stream: West Branch Schuylkill River, classified for the following uses: cold water and migratory fishes. Application received: May 24, 2013.

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: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401

E46-1092—Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Upper Merion Township, West Norriton Township, **Montgomery County**. ACOE Philadelphia District

To perform the below listed water obstruction and encroachment activities across Schuylkill River (WWF-MF) to facilitate the construction of a Pedestrian Bridge connecting the Schuylkill River Trail to public lands of the Valley Forge National Historical Park located on both side of the river. This bridge will be constructed in the right of way of the demolished Old Betzwood Pike Bridge which carried Trooper Road State Route (SR 3051) over the Schuylkill River at the time:

1. To remove three old bridge pier foundations (from the demolished Old Betzwood Pike Bridge) and to construct and maintain three new piers in the Schuylkill River to support the proposed multi-use bicycle/pedestrian bridge.

2. To construct and maintain approximately 65,000 cubic yards of rock scour protection around all the proposed piers.

3. To construct temporary rock causeway to access the old pier removal and new pier construction creating temporary impacts to the stream.

4. To place temporary fill of approximately 4,000 SF into the stream to facilitate cofferdams for the removal of the old piers and the construction of the proposed piers.

This project site will have approximately 0.14 acre of permanent stream impact and approximately 0.69 acre of temporary stream impacts. The project site is located approximately 268 feet south of the intersection of Trooper Road and Sullivan Lane at the boundary of West Norrity and Upper Merion Townships, Montgomery County. (PA Valley Forge USGS Quadrangle N: 19.63 inches; W: 6.46 inch).

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E18-485. PA Dept. of Conservation and Natural Resources-Forestry, 262 Sizerville Road, Emporium, PA 15834. Snowmobile Trail on West Branch of Lick Run, in Gallagher Township, **Clinton County**, ACOE Baltimore District (Glen Union, PA Quadrangle N: 41°19'53.3"; W: -77°32'37.9").

To construct and maintain a 36-foot clear span, wood deck—steel superstructure bridge set on gabion basket/concrete beam seats set on the top of the stream bank across the West Branch of Lick Run to provide a stream crossing for a snowmobile trail. This project proposes to permanently impact 15 linear feet of Lick Run, classified as an Exceptional Value—Wild Trout—Scenic River, to provide safe crossing of the stream for a public snowmobile trail.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-073: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a temporary timber mat bridge impacting 1,294 square feet of a floodway of an unnamed tributary to Black Creek (EV) (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'46");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 99 linear feet of an unnamed tributary to Black Creek (EV, MF) and impacting 1,005 square feet of an adjacent Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°36'03", Longitude: -76°30'39");

3. a temporary timber mat bridge impacting 14,315 square feet of the floodway of an unnamed tributary to Black Creek (EV) (Overton, PA Quadrangle, Latitude: 41°35'49", Longitude: -76°30'46");

The project will result in 99 linear feet or 904 square feet of temporary stream impacts and 15,609 square feet of floodway impacts and 1,005 square feet (0.02 acre) of

PEM wetland all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Overton Township, Bradford County.

E5829-055. Williams Field Services Company, LLC; 1605 Coraopolis Heights Road, Moon Township, PA 15108; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) an 8-inch natural gas pipeline and timber mat crossing impacting 4,231 square feet (0.10 acre) of EV PEM wetlands (>10 acre) (Lenoxville, PA Quadrangle; N 41° 41' 02" Lat., W - 75° 43' 18" Long.),

2) an 8-inch natural gas pipeline and timber mat crossing impacting 3,329 square feet (0.08 acre) of PEM wetlands (>10 acre) (Lenoxville, PA Quadrangle; N 41° 41' 03" Lat., W - 75° 43' 12" Long.),

3) a 16-inch natural gas pipeline and timber mat crossing impacting 60 linear feet of an unnamed tributary to Millard Creek (CWF, MF NRT) (Lenoxville, PA Quadrangle; N 41° 41' 03" Lat., W - 75° 43' 11" Long.),

4) an 8-inch natural gas pipeline and timber mat crossing impacting 3,685 square feet (0.08 acre) of EVPEM wetlands (Lenoxville, PA Quadrangle; N 41° 41' 04" Lat., W - 75° 43' 10" Long.),

5) an 8-inch natural gas pipeline and timber mat crossing impacting 12,332 square feet (0.28 acre) of EV PSS/PFO wetlands (>10 acres) (Lenoxville, PA Quadrangle; N 41° 41' 10" Lat., W - 75° 42' 59" Long.),

6) an 8-inch natural gas pipeline and timber mat crossing impacting 7,976 square feet (0.18 acre) of EV PEM wetlands (>10 acres) (Lenoxville, PA Quadrangle; N 41° 41' 10" Lat., W - 75° 42' 59" Long.),

7) a 16-inch natural gas pipeline and timber mat crossing impacting 36 linear feet of an unnamed tributary to Millard Creek (CWF, MF NRT) (Lenoxville, PA Quadrangle; N 41° 41' 10" Lat., W - 75° 42' 59" Long.).

The project consists of constructing approximately 0.7 mile of 8" natural gas gathering line from the T. Stoddard Well Pad routed in a Southwesterly direction to the Hickory Ridge Pipeline located in Lenox Township, Susquehanna County. The project will result in 96 linear feet of stream impacts and 0.41 acre of wetland impact, of which 0.28 acre are permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

E5829-054. Carrizo (Marcellus), LLC; P. O. Box 231, Drifting, PA 16834; Bridgewater and Jessup Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge crossing impacting 51 linear feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 51" Lat., W - 75° 54' 32" Long.),

2) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge crossing impacting 11, 184 sq. ft. (0.26 acre) of PEM wetlands (> 10 acres) (Montrose, PA Quadrangle; N 41° 49' 52" Lat., W - 75° 54' 33" Long.),

3) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge crossing impacting 53 linear feet of East

Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 52" Lat., W - 75° 54' 35" Long.),

4) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge crossing impacting 7,132 sq. ft. (0.16 acre) of PEM wetlands (> 10 acres) (Montrose, PA Quadrangle; N 41° 49' 52" Lat., W - 75° 54' 36" Long.),

5) a timber bridge crossing impacting 60 lineal feet of Beebe Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 50' 02" Lat., W - 75° 54' 39" Long.),

6) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge impacting 169 lineal feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 46" Lat., W - 75° 55' 08" Long.),

7) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge crossing impacting 55 lineal feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 48" Lat., W - 75° 55' 25" Long.),

8) a 12-inch natural gas pipeline, two—16 inch buried water pipelines, two—16 inch on-grade water lines, and timber bridge impacting 56 lineal feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 48" Lat., W - 75° 55' 26" Long.),

9) a timber bridge crossing impacting 104 lineal feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 50" Lat., W - 75° 55' 26" Long.),

10) a timber bridge crossing impacting 64 lineal feet of East Branch Wyalusing Creek (CWF-MF) (Montrose, PA Quadrangle; N 41° 49' 51" Lat., W - 75° 55' 27" Long.).

The project consists of constructing approximately 2 miles of 12" natural gas gathering line and two - 16" buried waterlines from the Ricci Well Pad routed in a westerly direction to the Bonnie Well Pad in Bridgewater and Jessup Townships, Susquehanna County. Additionally, there will be two - 16" waterlines placed on grade, within the existing pipeline right-of-way corridor, upon completion of the buried utility line installations. The project will result in 612 lineal feet of stream impacts and 0.42 acre of wetland impact, all for the purpose of conveying Marcellus Shale natural gas to market.

To: Southwest Regional Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

[Permit # 95-7-37312-20]. CNX Gas Company LLC, 280 Indian Springs Rd Ste 333, Indiana, PA 15701, proposes a project to operate and maintain Mamont South Centralized Impoundment as a centralized wastewater impoundment to store 35 ac-ft or 11.4 MG fracturing fluids for the five Mamont South 1A-1E Wells (Permit #129-28793 ~ 129-28797), the three Gaut4E-4G Wells (Permit #129-28809 ~ 129-28811), the three Shaw 1A-1C Wells (Permit #129-28821 ~ 129-28823), and future wells in the area (PA Quadrangle: Slickville; Latitude: N 40° 28' 36.43", Longitude: W 79° 34' 21.42"), Washington Township, **Westmoreland County**, Pittsburgh ACOE District, State Water Plan Subbasin 18-B, Kiskiminetas River Watershed (HQ-CWF).

STORAGE TANKS SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Environmental Cleanup and Brownfields, Division of Storage Tanks, PO Box 8762, Harrisburg, PA 17105-8762, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

The following applications have been received for 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.

<i>SSIP Application No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
13007	Richard S. Burns and Company, Inc. 4300 Rising Sun Avenue Philadelphia, PA 19140 Attn: Andrea Burns	Philadelphia	City of Philadelphia	2 ASTs storing diesel fuel	24,000 gallons total

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: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<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>
PA0036081 (Sewage)	Wynnewood Terrace 1143 Wellington Circle Laurys Station, PA 18078	Lehigh County North Whitehall Township	Lehigh River (2-C)	Y
PA0060437 (Sewage)	Pocono Waterworks Company, Inc. Pine Grove Estates WWTP 331 Plank Road Beach Lake, PA 18405	Wayne County Damascus Township	Unnamed Tributary to Delaware River (1-A)	Y

Southcentral Region: Water Management 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>
PA0080756— SEW	Clair Zeager Hershey Farm Restaurant & Motor Inn 240 Hartman Bridge Road, PO Box 159 Strasburg, PA 17579-0159	Lancaster County / Strasburg Township	Pequea Creek / 7K	Y
PA0082538 IW	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601-4617	Blair County Logan Township	Burgoon Run / 11-A	Y
PA0020222 SEW	Terre Hill Borough PO Box 250 300 Broad Street Terre Hill, PA 17581-0250	Lancaster County East Earl Township	Black Creek / 7-J	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>
PA0029335 SEW	PA Lions Beacon Lodge Camp 114 SR 103 South Mount Union, PA 17066-9601	Mifflin County Wayne Township	Sugar Valley Run / 12-A	Y
PA0088960 IW	West St Clair Township Pleasantville Borough Municipal Authority PO Box 43 Alum Bank, PA 15521-0043	Bedford County West St Clair Township	Dunning Creek / 11-C	Y
PA0260762 SEW	New Buffalo Borough PO Box 245 New Buffalo, PA 17069	Perry County New Buffalo Borough	Buffalo Creek / 6-C	Y
PA0013862 A-1 IW	Corixa Corporation Dbx Glaxosmithkline Vaccines 325 North Bridge Street Marietta, PA 17547	Lancaster County East Donegal Township	Susquehanna River / 7-G	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0208922 A-1 (Sewage)	Woodward Township Sewage & Water Authority 131 Punkin Hollow Road Houtzdale, PA 16651-9651	Clearfield County Woodward Township	Whiteside Run (8-D)	N

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0090328 Industrial Waste	Green Vly Packing 2992 Green Vly Rd Claysville, PA 15323	Washington Cnty Buffalo Twp	UNT to Buffalo Crk	Y
PA0096652 Sewage	Miley Motor Sports PO Box 4530 PGH, PA 15205	Allegheny Cnty N Fayette Twp	UNT to Half Crown Run	Y
PA0253375 Sewage	Hutchinson STP Seventh St Hutchinson, PA 15640	Westmoreland Cnty Sewickley Twp	Sewickley Crk	Y
PA0253227 Sewage	Adrian STP SR 4023 Adrian, PA 16210	Armstrong Cnty E Franklin Twp	Limestone Run	Y

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>
PA0103152 (Sew)	Hydro Pac 7470 Market Road Fairview, PA 16415	Erie County Fairview Township	Unnamed Tributary to Brandy Run (15-A)	Y
PA0239321 (Sewage)	Robert Wahlmark SFTF 31970 Guys Mills Road Townville, PA 16360	Crawford County Randolph Township	Unnamed Tributary of Muddy Creek (16-A)	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0026361, Sewage, SIC Code 4952, **Lower Lackawanna Valley Sanitary Authority**, PO Box 2067, Duryea, PA 18642-2067.

This existing facility is located in Duryea Borough, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Sewage.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PAI133516, Municipal Stormwater, **Catherine Mulhearn, Naval Support Activity—Mechanicsburg**, 5450 Carlisle Pike, Building 305, Mechanicsburg, PA 17050-5001.

This proposed facility is located in Hampden Township, **Cumberland County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 7-B.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0020346, Sewage, SIC Code 4952, **Punxsutawney Borough**, 301 East Mahoning Street, Suite 1, Punxsutawney, PA 15767. Facility Name: Punxsutawney Borough STP.

This existing facility is located in Punxsutawney Borough, **Jefferson County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated Sewage.

PA0272621, Sewage, SIC Code 4952, 8811, **Chambers Larry**, 2320 William Flynn Highway, Butler, PA 16001. Facility Name: Larry Chambers SRSTP.

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: A new NPDES permit for a new discharge of treated sewage.

PA0272604, Sewage, SIC Code 4952, 8811, **Paul Zentz**, 11558 Route 62, Tidioute, PA 16351. Facility Name: Paul Zentz SRSTP.

This proposed facility is located in Limestone Township, **Warren County**.

Description of Proposed Activity: A new NPDES permit for a new discharge of treated sewage.

PA0239879, Sewage, **Amendment No. 1, Joanne K & Timothy R Krahe**, 7012 Bargain Road, Erie, PA 16509.

This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a Single Residence Sewage Treatment Plant.

PA0272655, Sewage, SIC Code 8811, **Sandra Hutchison**, 105 Fern Lane, Butler, PA 16001. Facility Name: Sandra Hutchison SRSTP.

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: A new NPDES permit for a new discharge of treated sanitary wastewater.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

WQM Permit No. 1507406, Sewage, **Renewal, 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: Renewal of permit for continued operation of a sewage treatment plant with land applications.

WQM Permit No. 4613402, Sewage, **Berks Montgomery Municipal Authority**, 136 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19425.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to service the proposed Hallowell Tract residential area.

WQM Permit No. 0913402, Sewage, **Buckingham Township**, P. O. Box 413, Buckingham, PA 18912.

This proposed facility is located in Buckingham Township, **Bucks County**.

Description of Action/Activity: Modifications to the Buckingham Township Wastewater Treatment Plant.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0713401, Sewerage, **Mark Perry, General Manager, Altoona Water Authority**, 900 Chestnut Avenue, Altoona, PA 16601.

This proposed facility is located in Altoona City, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewerage facilities consisting construction of 1,895' of 36" & 3,475' of 30" diameter sewer interceptor and a lift station to handle 7.5 mgd peak hourly flow and all related appurtenances to eliminate hydraulic overload in the existing 21" diameter interceptor. Pleasant Valley Boulevard Sewer Interceptor Replacement.

WQM Permit No. 2213401, Sewerage, **Ronald Reeder, East Hanover Township Municipal Authority**, 884 Jonestown Road, Grantville, PA 17028.

This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for modifications of sewage facilities consisting of replacement of the existing PS #3 pumps with new submersible pumps that each have a design flow rate of 0.871 mgd (605 gpm) at 58.36 ft. TDH.

WQM Permit No. 2208401, Amendment #1, Sewerage, **Mr. Joseph D'Agostino, Williamstown Borough Sewer Authority**, PO Box 44, 148 South Orange Street, Williamstown, PA 17098-0032.

This proposed facility is located in Williamstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the modifications of sewage facilities consisting of the installation of UV unit in place of chlorination unit.

WQM Permit No. 5013401, Sewerage, **Shawn Skethway, West Perry School District**, 2606 Shermans Valley Road, Elliptsburg, PA 17024-9132.

This proposed facility is located in Spring Township, **Perry County**.

Description of Proposed Action/Activity: Permit approval the construction/operation of sewage facilities consisting of Muffin Monster with bypass barscreen, aerated equalization tank, extended aeration plant, clarifier, post aeration, UV disinfection, effluent metering and sampling, aerated sludge holding tank, liquid sludge removal by licensed hauler, blower/control building with blowers and alum and caustic soda chemical feed systems.

WQM Permit No. WQG02071201, Sewerage, **Mr. David Pozgar**, Logan Township, 100 Chief Logan Circle, Altoona, PA 16602.

This proposed facility is located in Logan Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Logan Township Sewer System.

WQM Permit No. 3688432 Amendment 13-1, Sewerage, **Penn Manor School District**, PO Box 1001, Millersville, PA 17551.

This proposed facility is located in Martic Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approving the modifications of sewage facilities consisting of the addition of two new monitoring wells installed in 2010 to adequately monitor the groundwater due to the replacement of the sand beds with an at-grade disposal system at a different location on the property. The original monitoring well was retained as the upgradient monitoring point and renamed from MW1 to MW3.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570-327-0530.

WQM Permit No. 5913401, SIC Code 4952, **Wellsboro Municipal Authority**, 28 Crafton Street, Wellsboro, PA 16901-1549.

This existing facility is located in Wellsboro Borough, **Tioga County**.

Description of Proposed Action/Activity: Replacement of influent pump station.

WQM Permit No. 1813201, Industrial Waste, SIC Code 2621 & 2086, **First Quality Tissue LLC**, 904 Woods Avenue, Lock Haven, PA 17745-3348.

This existing facility is located in Castanea Township, **Clinton County**.

Description of Proposed Action/Activity: Construction and operation of a backwash wastewater treatment system.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 1013401, Sewage, **Larry Chambers**, 2320 William Flynn Highway, Butler, PA 16001.

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: A Single Residence Sewage Treatment Plant

WQM Permit No. WQG018772, Sewage, **Michael D Vallimont and Philip A Vallimont Sr.**, 9400 Wattsburg Road, Erie, PA 16509.

This existing facility is located in Greene Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of existing WQM permit for a single residence sewage treatment plant.

WQM Permit No. 2506409, Sewage, **Joanne K & Timothy R Krahe**, 7012 Bargain Road, Erie, PA 16509.

This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for a Single Residence Sewage Treatment Plant.

WQM Permit No. 3775401, Sewerage, **Amendment No. 2**, **New Wilmington Borough Lawrence County**, 134 High Street, New Wilmington, PA 16142-1104.

This existing facility is located in New Wilmington Borough, **Lawrence County**.

Description of Proposed Action/Activity: Amendment for the upgrade and expansion of existing wastewater treatment plant.

WQM Permit No. 1013402, Sewage, **Sandra Hutchison**, 105 Fern Lane, Butler, PA 16001. Facility Name: Sandra Hutchison SRSTP.

This proposed facility is located in Center Township, **Butler County**.

Description of Proposed Activity: Single Residence Sewage Treatment Plant

WQM Permit No. 2571412, Sewerage, **Amendment No. 1**, **GCP Countryside Limited Partnership**, P. O. Box 14032, Pittsburgh, PA 15239.

This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Amendment to add aeration to lagoons No. 2 & 3, remove existing weir /pump boxes, and relocate existing discharge/recycle pumps to the floor of the last chamber of chlorine contact tank.

WQM Permit No. WQG02251301, Sewerage, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506.

This proposed facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: Sewer extension and pump station to serve approximately 25 residences in an area that was previously served by onlot systems. The design future flow for construction is 0.018 MGD.

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023912012	Nestle Purina PetCare Company 2050 Pope Rd. Allentown, PA 18104	Lehigh	South Whitehall Twp.	UNT to Jordan Creek, HQ-CWF, MF; Jordan Creek, TSF, MF
PAI025211003	Pennsylvania Dept. of Transportation, Engineering Dist. 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Pike	Delaware Twp, Lehman Twp.	Tributary to Tom's Creek, EV, MF; Tom's Creek, EV, MF; Tributary to Tom's Creek, EV, MF; Tributary to Delaware River HQ-CWF, MF; Brisco Creek, HQ-CWF, MF; Spackman's Creek, HQ-CWF, MF, Hornbeck Creek, HQ-CWF, MF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030612005	Berks Hollow Energy Associates, LLC 400 Chesterfield Center Suite 110 St. Louis, MO 63017	Berks	Ontelaunee Township	Willow Creek (HQ-CWF)
PAI030609005	Traditions Development Corp. 7159 Redtop Road Hummelstown, PA 17036-9544	Berks	Sinking Spring Borough	UNT to Cacoosing Creek (CWF)
PAI033612011	Amos E. Fisher 5269 Paes Road New Holland, PA 17557	Lancaster	Salisbury and East Earl Townships	UNT to Umbles Run/ Umbles Run (HQ-CWF, MF)
PAI033612013	J. Roy Wise 433 South Kinzer Avenue Apartment 38GE New Holland, PA 17557	Lancaster	Brecknock Township	UNT to Rock Run; Rock Run (HQ-TSF, MF)
PAI033112003	Glenn L. Gribble Bonney Forge 14496 Croghan Pike PO Box 330 Mount Union, PA 17066-0330	Huntingdon	Shirley Township	UNT to Juniata River (HQ-CWF)

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
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>
Eldred Twp., Monroe County	PAG02004506006R	Shiela Chen & Edward Chang 9 Birch St. Mountain Dale, NY 12763	Buckwah Creek, CWF, MF	Monroe Co. Cons. Dist. 570-629-3060
Dallas Twp, Luzerne County	PAG02004012023	Turkey Hill, LP William Weisser 257 Centerville Rd. Lancaster, PA 17603	Huntsville Creek, CWF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Dunmore Borough Lackawanna County	PAG02003513008	3 Lynns LP 1001 N Washington Ave. Scranton, PA 18509	Unnamed Tributary to Lackawanna River, CWF, MF	Lackawanna Co. Cons. Dist. 570-281-9495
Westfall Twp. Pike County	PAG02005213001	Warwick Properties Inc.— Westfall Senior Apartments 2 Liberty Ct. Warwick, NY 10990	Delaware River, WWF, MF	Pike Co. Cons. Dist. 570-226-8220
Hanover Twp. Northampton County	PAG02004813006	John J. Finnigan Jr. Hanover Twp 3630 Jacksonville Rd. Bethlehem, PA 18017	Catasauqua Creek CWF, MF	Northampton Co. Cons. Dist. 610-746-1971
City of Allentown Lehigh County	PAG02003913004	Nick Minoia DRA Hillside LP 47 River Rd., Ste. 200 Summit, NJ 07901	Lehigh River WWF-MF	Lehigh Co. Cons. Dist. 610-391-9583

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

*Facility Location:
Municipality &
County*

<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>
Tyrone Township, Adams County	PAG02000113009	David Scheib Adams Electric Cooperative, Inc. 1338 Biglerville Road PO Box 1055 Gettysburg, PA 17325	UNT to Conewago Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Oxford Township, Adams County	PAG02000104008(2)	Zijad Prozo 885 Herrs Ridge Road Gettysburg, PA 17325	UNT to South Branch of Conewago Creek (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Mount Pleasant Township, Adams County	PAG020001113012	Ronald Rickline 1225 Bon-Ox Road Gettysburg, PA 17325	Brush Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Carlisle Borough, Cumberland County	PAG02002113020	S & A Homes Chesterfield 2121 Old Gatesburg Pike State College, Pa 16803	UNT to Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Lower Allen Township, Cumberland County	PAG02002113004	Old Gettysburg Associates VI, LP 4718 Gettysburg Road Mechanicsburg, PA 17055	Cedar Run (CWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Upper Mifflin Township, Cumberland County	PAG02002113003	PA State Game Commission 8627 William Penn Highway Huntingdon, PA 16652	UNT to Three Square Hollow Run (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Lower Mifflin Township, Cumberland County	PAG02002113015	Wilbur Shank 195 Creekview Road Newville, PA 17241	UNT to Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Quincy Township, Franklin County	PAG02002813014	Peiffer Well Robert Gunder 7575 Mentzer Gap Road Waynesboro, PA 17268	West Branch of Antietam Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Quincy Township, Franklin County	PAG02002813010	Dollar General Austin Rogers 9010 Overlook Blvd Brentwood, TN 37027	West Branch of Antietam Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Antrim Township and Greencastle Borough, Franklin County	PAG02002811004R	Greencastle School Athletic Fields Gary Hoover Greencastle School District 500 East Leitersburg Street Greencastle, PA 17225	Paddy Run (WWF/MF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Fairview Township, York County	PAG02006710008R	E.K. Services, Inc. Kenneth E. Beinhower 260 Old York Road New Cumberland, PA 17070	UNT to Marsh Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

NOTICES

3549

<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>
Springettsbury Township, York County	PAG02006713018	SOFRAJO I, L.P. 150C Memory Lane York, PA 17402	Mill Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Springettsbury Township, York County	PAG02006703095R	Judd Builders Developers Michael Weaver 1750 Walton Road PO Box 1650 Blue Bell, PA 19422	UNT to Codorus Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Penn Township, York County	PAG02006707055R	Wolverine Holdings, LLC 140 Carlisle Street Hanover, PA 17331	South Branch Conewago Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
North Lebanon Township, Lebanon County	PAG02003813006	Dale Brubaker 64 Pequea Valley Road Kinzers, PA 17535	Tributary 09861 to Swatara Creek (WWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
South Londonderry Township, Lebanon County	PAG02003813008	Bob Riahi 2130 Marietta Pike Lancaster, PA 17603	UNT to Spring Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union Township, Lebanon County	PAG02003812032	David Matterness 75 Moonshine Road Jonestown, PA 17038	Trout Run (CWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Palmyra Borough, Lebanon County	PAG02003812018	Jeffery Horst 1 Krall Road Myerstown, PA 17067	Quittapahilla Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Swatara Township, Lebanon County	PAG02003813007	War & Pamela Sigler 31 White Birch Lane Jonestown, PA 17038	UNT to Swatara Creek (WWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Jackson Township, Lebanon County	PAG02003813014	Todd Lawrence 1236 Hilltop Road Myerstown, PA 17067	UNT to Little Swatara Creek (CWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Union and East Hanover Townships, Lebanon County	PAG0200380901115	Jerry Beck Fort Indiantown Gap Annville, PA 17003	Manada Creek & Indiantown Run (CWF/MF), Vesle Run, Aires Run & Qureg Run (WWF/MF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Catherine Township, Blair County	PAG02000711008R	Williamsburg Municipal Authority 305 East 2nd Street Williamsburg, PA 16693	Frankstown Branch Juniata River (TSF)	Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877

<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>
Clay Township, Lancaster County	PAG020036080251	Eugene K. Martin 2000 West Route 897 Denver, Pa 17517	Middle Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township, Lancaster County	PAG020036120701	Tom Ponessa 160 Valley Road Lancaster, PA 17601	Landis Run (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Rapho Township, Lancaster County	PAG02003613017	Mazza Vineyards 2775 Lebanon Road Manheim, PA 17545	Chiques Creek (WWF/MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Hanover Township, Lancaster County	PAG02002208030R	John A. Kerschner Eastern Communities LTD 7300 Derry Street Harrisburg, PA 17111	Beaver Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Derry Township, Lancaster County	PAG02002213010	PPL Electric Utilities Corporation D. Johnson 2 North 9th Street Genn 3 Allentown, PA 18101	Spring Creek (WWF) and Swatara Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
East Donegal Township, Lancaster County	PAG02003613032	Armstrong World Industries, Inc. 2500 Columbia Avenue Lancaster, PA 17603	Susquehanna River (WWF/MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Cumru Township, Berks County	PAG02000611012R	Berkshire Greens, Inc. 10 Village Center Reading, PA 19607	UNT to Schuylkill River & Angelica Creek (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Union Township, Berks County	PAG02000613014	Keith Smith J.D. Eckman, Inc. PO Box 160 Atglen, PA 19310	Schuylkill River (WWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Cumru Township, Berks County	PAG02000608034R	Harry O'Neill Empire Wrecking Company 1420 Clarion Street Reading, PA 19601	UNT to Schuylkill River/Schuylkill River	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Brown Township, Mifflin County	PAG02004413001	Cedar Hill Manor Phase III Mr. Walter Schmidt 1309 Eastwood Road Alden, NY 14004	Coffee Run (CWF/MF)	Mifflin Co. Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717.248.4695

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

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>
Bald Eagle Township Clinton County	PAG02001813002	JEB Environmental 2322 E Valley Rd Mill Hall PA 17751	UNT to Bald Eagle Creek CWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Armstrong Township Lycoming County	PAG02004111015R	PA Dept of Transportation District 3-0 715 Jordan Ave Montoursville PA 17754	W.B. Susquehanna River WWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Liberty Township Tioga County	PAG02005913006	Keith & Jewel Martin 65 Stone Rd Womelsdorf PA 19567	Blockhouse Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, X 3

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 and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Barr Township Susquehanna Township West Carroll Township Northern Cambria Borough Cambria County	PAG02001110012R-2	West Branch Sewer Authority 901 Maple Avenue Suite 2 Northern Cambria, PA 15714	Fox Run (CWF), Browns Run (CWF), Walnut Run (CWF), Leslie Run (CWF), Wolf Run (CWF), UNT to Moss Creek (CWF), W. Branch of Susquehanna River (WWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Richland Township Cambria County	PAG02001113004	Principle Development Limited 1001 Eisenhower Blvd. Johnstown, PA 15904	UNT to Stonycreek River (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120
Armstrong Township Young Township Indiana County	PAG02003213003	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Gobblers Run (WWF), Blacklegs Creek (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
North Huntingdon Township Westmoreland County	PAG02006504039R	Scalise Homes 8340 Pennsylvania Avenue North Huntingdon, PA 15642	Andrews Run (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Hempfield Township Westmoreland County	PAG02006513003	Greg Miller 490 Beech Hills Road Jeannette, PA 15644	UNT to Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Unity Township Westmoreland County	PAG02006513010	Post Acute Medical, LLC 3500 Market Street Suite 202 Camp Hill, PA 17011	Slate Creek (WWF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Rostraver Township Westmoreland County	PAG02006513011	Casey Harper PO Box 748 Belle Vernon, PA 15012	UNT to Cedar Creek (TSF) and Youghioghenny River (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Hempfield Township Westmoreland County	PAG02006513016	Paul W. Kerber 281 First Street Huntingdon, PA 15642	UNT to Brush Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271
Trafford Borough Westmoreland County	PAG02006513024	All American Baseball 9100 Commerce Circle Trafford, PA 15085	Brush Creek (TSF) and Turtle Creek (TSF)	Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

<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>
Butler Township Butler County	PAG02001013012	Cedarwood Development Inc 1765 Merriman Road Akron OH 44313	Sullivan Run WWF	Butler County Conservation District 724-284-5270
Middlesex Township Butler County	PAG02001013013	Brendan Mannella 8022 Venice Road Pittsburgh PA 15209	Glade Run WWF	Butler County Conservation District 724-284-5270
City of Saint Mary's Elk County	PAG02002412003R	PADOT District 2-0 1924 Daisy Street Extension Clearfield PA 16830	Elk Creek CWF; Iron Run CWF	Elk County Conservation District 814-776-5373
Harborcreek Township Erie County	PAG02002513005	PA Electric Company/ Penelec A-GO-13 76 South Main Street Akron OH 44308	Unt Four Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Borough of Grove City Mercer County	PAG02004311006R	Kert Schumacher 1250 Slippery Rock Road Slippery Rock PA 16057	Unt Wolf Creek WWF	Mercer County Conservation District 724-662-2242

General Permit Type—PAG-3

<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>
Dauphin County Upper Paxton Township	PAR203595 T-1	ProPlastix International LLC 650 West Market Street PO Box 370 Gratz, PA 17030-0370	Wiconisco Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Gratz Borough	PAR203614 T-1	MI Windows and Doors LLC 650 West Market Street PO Box 370 Gratz, PA 17030	UNT of Wiconisco Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Spring Township	PAR203566	Metropolitan Steel Industries Inc. 601 Fritztown Road Sinking Spring, PA 19608	Cacoosing Creek / CWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County Guilford Township	PAR803713	CSX Intermodal Terminals Inc. 550 Water Street, J-732 Jacksonville, FL 32202	UNT of Conococheague Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County West Lebanon Township	PAR233549	Brentwood Industries Inc. 2101 Lehman Street Lebanon, PA 17046	Quittapahilla Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<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>
York County York City	PAR213543	Baltimore Wilbert LLC dba Penn-Mar Wilbert 3025 West Coldspring Lane Baltimore, MD 21215-6605	UNT to Kreutz Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Tyrone Borough	PAR233510	Albemarle Corporation 2858 Back Vail Road Tyrone, PA 16686	Gypsy Run / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lawrence Township Clearfield County	PAR214826	New Enterprise Stone & Lime Co. Inc. P. O. Box 77 New Enterprise, PA 16664	West Branch Susquehanna River—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.3664

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

<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>
Oil City Venango County	PAR208359	Witherup Fabrication & Erection, Inc. P. O. Box 55 Kennerdell, PA 16374	Allegheny River 16-E	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<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>
New Milford Township Susquehanna County	PAG042232	Armetta Pizzeria, Inc. 2092 State Route 848 New Milford, PA 18834	Unnamed Tributary to Nine Partners Creek—04F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Liberty Township Susquehanna County	PAG042233	David J. Bell 890 English Flats Road Hallstead, PA 18822	UNT to Snake Creek 04E	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

General Permit Type—PAG-6

<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>
Stowe Twp Allegheny County	PAG066107	Stowe Twp 555 Broadway Ave McKees Rocks, PA 15136	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-8**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Bedford County /
Bedford Township

PAG083582

The Municipal Authority
of the Borough of Bedford
244 West Penn Street
Bedford, PA 15522DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Franklin County /
Quincy Township

PAG083591

Quincy Township
7575 Mentzer Gap Road
Waynesboro, PA 17268

Baker Farm

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110-8200
717-705-4707York County /
Franklin TownshipPAG080002,
PAG080003,
PAG080004,
PAG080005,
PAG080006,
PAG080008,
PAG080011,
PAG080018,
PAG080021,
PAG082203,
PAG082211,
PAG082219,
PAG083501,
PAG083506,
PAG083510,
PAG083515,
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PAG083565,
PAG083567,
PAG083573,
PAG083596,
PAG083597,
PAG083600,
PAG083605,
PAG083825,
PAG089903,
PAG089904,
PAG089905,
PAG089909,
PAG070003,
PAG070005,
PAG073508,
PABIG9903, &
WMGR099Ms. Laura Klunk Synagro
1605 Dooley Road
PO Box B
Whiteford, MD 21160Charles Richardson
#2 FarmDEP—SCRO—CW
909 Elmerton Ave.
Harrisburg, PA 17110
717-705-4707

*Facility Location:
Municipality &
County*

York County /
Peach Bottom
Township

Permit No.

PAG080002,
PAG080003,
PAG080004,
PAG080005,
PAG080006,
PAG080008,
PAG080011,
PAG080018,
PAG080021,
PAG082203,
PAG082211,
PAG082219,
PAG083501,
PAG083502,
PAG083506,
PAG083510,
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PAG083597,
PAG083600,
PAG083605,
PAG083825,
PAG089903,
PAG089904,
PAG089905,
PAG089909,
PAG070003,
PAG070005,
PAG073508,
PABIG9903, &
WMGR099

*Applicant Name &
Address*

J. David Yale Farm
1030 Line Road
Delta, PA 17314

*Site Name &
Location*

York County /
Peach Bottom
Township

*Contact Office &
Phone No.*

DEP—SCRO—CW
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

West Chillisquaue
Township,
Northumberland
County

Permit No.

PAG 09 4836

*Applicant Name &
Address*

Mark Cromley
69 Campbell Mill Road,
Lewisburg, PA 17837

*Site Name &
Location*

Mark Cromley Farm
West Chillisquaue
Township,
Northumberland
County

*Contact Office &
Phone No.*

NCRO
570-327-0526

*General Permit Type—PAG-10**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>
Washington Township, Mehoopany Township, Eaton Township, and Northmoreland Township, Wyoming County	PAG102286	UGI Energy Services, Inc. (Auburn Line Extension Project) 1 Meridian Boulevard, Suite 2C01 Wyomissing, PA 19610	Susquehanna River, Unnamed Tributaries to Susquehanna River, Unnamed Tributary to Whitelock Creek and Whitelock Creek—4-G	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-12**Facility Location & Municipality*

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Conoy Township	PAG123531	Zeager & Sons Inc. Zeager & Sons Farm 159 Yoder Road Bainbridge, PA 17502	UNT Snitz Creek / WWF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Mount Joy Township	PAG123659	Herman Zeager Brookside Acres 159 Yoder Road Bainbridge, PA 17502	UNT Conewago Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Rapho Township	PAG123665	Kerek Musser Kerek Musser Egg Farm 2604 Hossler Road Manheim, PA 17545	UNT of Back Run / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County South Annville Township	PAG123664	Nelson W Martin Nelson Martin Farm 1850 Horseshoe Pike Annville, PA 17003	UNT of Killinger Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401**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>
Trainer Borough Delaware County	PAG130118	Trainer Borough Delaware County 824 Main Street Trainer, PA 19061	Marcus Hook Creek, Stoney Creek and Unnamed Tributary to Marcus Hook Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Glenolden Borough Delaware County	PAG130092	Glenolden Borough Delaware County 36 E Boon Street Glenolden, PA 19036	Muckinipattis Creek, Shipley Branch and Unnamed Tributary to Muckinipattis Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Caln Township Chester County	PAG130053	Caln Township Chester County 253 Municipal Drive PO Box 72149 Thorndale, PA 19372	Beaver Creek, East Branch Brandywine Creek, Unnamed Tributary of West Branch Brandywine Creek and Unnamed Tributary to Beaver Creek—3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*Facility Location:
Municipality &
County*

Norristown Borough
Montgomery County

Permit No.
PAG130159

*Applicant Name &
Address*
Norristown Borough
Montgomery County
235 East Airy Street
Norristown, PA 19401

*Receiving
Water / Use*
Sawmill Run,
Schuylkill River and
Stony Creek—3-F

*Contact Office &
Phone No.*
DEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970

West Norriton
Township
Montgomery County

PAG130006

West Norriton Township
Montgomery County
1630 West Marshall
Street
Jeffersonville, PA 19403

Indian Creek,
Schuylkill River and
Unnamed Tributary
to Stony Creek—3-F

DEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970

General Permit Type—PAG-13 & MS4 Waivers

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

*Facility Location:
Municipality &
County*

Hanover Township
Luzerne County

Permit No.
PAG132231

*Applicant Name &
Address*
Hanover Township
Luzerne County
1267 Sans Souci Parkway
Hanover Township, PA
18706

*Receiving
Water / Use*
Unnamed Tributary
to Nanticoke Creek,
Nanticoke Creek,
Solomon Creek,
Unnamed Tributary
to Warrior Creek and
Warrior Creek—
CWF

*Contact Office &
Phone No.*
DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

General Permit Type—PAG-13

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

*NPDES
Permit No.*

PAG133601

*Applicant Name &
Address*
East Manchester
Township
5080 North Sherman
Street Ext.
Mount Wolf, PA 17347

County

York County

Municipality

East Manchester
Township

*Receiving
Water/Use*

Codorus Creek,
Conewago Creek,
Hartman Run,
Musser Run,
Susquehanna River
and UNT to Little
Conewago Creek /
TSF, MF, WWF and
MF

*Contact Office &
Phone No.*

DEP Southcentral
Regional Office
Clean Water
Program
909 Elmerton
Avenue
Harrisburg, PA
17110-8200
717.705.4707

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

*NPDES
Permit No.*

PAG136346
Waiver

*Applicant Name &
Address*
Eastvale Boro
510 Second Ave
Beaver Falls, PA 15010

County

Beaver

Municipality

Eastvale Boro

*Receiving
Water/Use*

Beaver River

*DEP Protocol
(Y/N)*

N

PAG136108
Waiver

Cokeburg Boro
PO Box 474
Cokeburg, PA 15324

Washington

Cokeburg Boro

UNT to Pigeon
Creek

N

PAG136132
Waiver

Dunlevy Boro
2 Walnut St
PO Box 18
Dunlevy, PA 15432

Washington

Dunlevy Boro

Monongahela
River

N

PAG136126
Waiver

Vanderbilt Boro
PO Box 486
Vanderbilt, PA 15486

Fayette

Vanderbilt Boro

Dickerson Run

N

PAG136125
Waiver

Dawson Boro
PO Box 68
Dawson, PA 15428

Fayette

Dawson Boro

Youghiogheny
River

N

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAG136241 Waiver	Thornburg Boro 545 Hamilton Rd PGH, PA 15205	Allegheny	Thornburg Boro	Chartiers Creek	N

*Facility Location:
Municipality & County*

Donora Boro
Washington Cnty

Permit No.

PAG136256

Applicant Name & Address

Donora Boro
603 Meldon Ave
Donora, PA 15033

Receiving Water/Use

Monongahela River

Contact Office & Phone No.

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

STATE CONSERVATION COMMISSION

NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or 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.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

**NUTRIENT MANAGEMENT PLAN
PUBLIC NOTICE SPREADSHEET—**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hillside Poultry Farm, Inc. 1849 Letterkenny Rd. Chambersburg, PA 17202	Franklin	535.5	1210.96	Poultry	NA	Disapproved

PUBLIC WATER SUPPLY 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. 0713503 MA, Minor Amendment, Public Water Supply.

Applicant **Autumn Estates LLC**
 Municipality Blair Township
 County **Blair**
 Responsible Official Mary Imler, Owner
 117 Shaffer Road
 Hollidaysburg, PA 16648
 Type of Facility Ground Water Rule 4-log inactivation of viruses—
 Installation of additional contact piping.
 Consulting Engineer Eric S Lundy, P.E.
 Nittany Engineering & Associates, LLC
 2836 Earlstown Road
 Centre Hall, PA 16828-9162
 Permit to Construct Issued: 5/16/2013

Permit No. 3113501 MA, Minor Amendment, Public Water Supply.

Applicant **Orbisonia-Rockhill Joint Municipal Authority**
 Municipality Cromwell Township
 County **Huntingdon**
 Responsible Official Bonnie K Rose, Chair
 PO Box 346
 Orbisonia, PA 17243
 Type of Facility Modifications to Well No. 1 & wellhouse, including replacement of well pump, interior piping, equipment and disinfection.
 Consulting Engineer Michele A Aukerman, P.E.
 Uni-Tec Consulting Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16801
 Permit to Construct Issued: 6/11/2013

Permit No. 6713509 MA, Minor Amendment, Public Water Supply.

Applicant **Dillsburg Area Authority**
 Municipality Carroll Township
 County **York**
 Responsible Official Sheldon K Williams,
 General Manager
 P. O. Box 370
 98 W Church St
 Dillsburg, PA 17019
 Type of Facility Bulk water loading station located near the Route 15 Standpipe.

Consulting Engineer Joel Kostelac, P.E.
 CET Engineering Services/GHD
 1240 N Mountain Road
 Harrisburg, PA 17112

Permit to Construct Issued: 5/22/2013

Operations Permit issued to: **Alexandria Borough Water Authority**, 4310021, Alexandria Borough, **Huntingdon County** on 6/10/2013 for the operation of facilities approved under Construction Permit No. 3102504.

Operations Permit issued to: **PA DCNR (Shawnee State Park)**, 4050801, Napier Township, **Bedford County** on 6/11/2013 for the operation of facilities approved under Construction Permit No. 0507501.

Operations Permit issued to: **Bonneauville Borough Municipal Authority**, 7010012, Bonneauville Borough, **Adams County** on 5/31/2013 for the operation of facilities approved under Construction Permit No. 0112502.

Operations Permit issued to: **East Hanover Hotel Corporation—Comfort Suites—Grantville**, 7220506, East Hanover Township, **Dauphin County** on 5/31/2013 for the operation of facilities approved under Construction Permit No. 2212509.

Operations Permit issued to: **Fox Hollow Estates Mobile Home Park**, 7500023, Carroll Township, **Perry County** on 6/4/2013 for the operation of facilities submitted under Application No. 5013504 MA.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 0210521, Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**
 Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh, PA 15222
 [Borough or Township] City of Pittsburgh
 County **Allegheny**
 Type of Facility Water treatment plant
 Consulting Engineer
 Permit to Construct Issued: June 12, 2013

Permit No. 0313502, Public Water Supply.

Applicant **Pennsylvania American Water Company**
 800 West Hersheypark Drive
 Hershey, PA 17033
 [Borough or Township] Kittanning Borough
 County **Armstrong**
 Type of Facility Kittanning Water treatment plant
 Consulting Engineer
 Permit to Construct Issued: June 14, 2013

Permit No. 3212501, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701

[Borough or Township] Village of Arcadia and Montgomery Township
 County Indiana
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 PO Box 853
 Latrobe, PA 15650
 Permit to Construct June 14, 2013
 Issued

Operations Permit issued to: **North Fayette County Municipal Authority**, 1634 University Drive, PO Box 368, Dunbar, PA 15431, (PWSID #5260019) Dunbar Township, **Fayette County** on June 11, 2013 for the operation of facilities approved under Construction Permit # 2613502MA.

Operations Permit issued to: **North Fayette County Municipal Authority**, 1634 University Drive, PO Box 368, Dunbar, PA 15431, (PWSID #5260019) Lower Tyrone Township, **Fayette County** on June 11, 2013 for the operation of facilities approved under Construction Permit # 2608504.

Operations Permit issued to: **North Fayette County Municipal Authority**, 1634 University Drive, PO Box 368, Dunbar, PA 15431, (PWSID #5260019) North and South Union Townships, **Fayette County** on June 11, 2013 for the operation of facilities approved under Construction Permit # 2613501.

Operations Permit issued to: **North Fayette County Municipal Authority**, 1634 University Drive, PO Box 368, Dunbar, PA 15431, (PWSID #5260019) North and South Union Townships, **Fayette County** on June 14, 2013 for the operation of facilities approved under Construction Permit # 2609505MA.

Operations Permit issued to: **GW Services, Inc., d/b/a Glacier Water**, 1385 Park Center Drive, Vista, CA 92081, (PWSID #5026467) Entry Point #165 at the Sav-A-Lot in Beaver Falls, **Beaver County** on June 11, 2013 for the operation of facilities approved under Permit # 5026467-165.

Operations Permit issued to: **GW Services, Inc., d/b/a Glacier Water**, 1385 Park Center Drive, Vista, CA 92081, (PWSID #5026467) Entry Point #170 at the Shop N Save in Connellsville, **Fayette County** on June 11, 2013 for the operation of facilities approved under Permit # 5026467-170.

Operations Permit issued to: **GW Services, Inc., d/b/a Glacier Water**, 1385 Park Center Drive, Vista, CA 92081, (PWSID #5026467) Entry Point #171 at the Shop N Save in Mt. Pleasant, **Westmoreland County** on June 11, 2013 for the operation of facilities approved under Permit # 5026467-171.

Permit No. 0213512MA, Minor Amendment. Public Water Supply.

Applicant **Wilksburg-Penn Joint Water Authority**
 2200 Robinson Boulevard
 Pittsburgh, PA 15235
 [Borough or Township] Penn Hills
 County **Allegheny**
 Type of Facility Reservoir 7 water storage tank

Consulting Engineer Chester Engineers
 501 McKean Avenue
 Third Floor
 Charleroi, PA 15022
 Permit to Construct June 14, 2013
 Issued

Permit No. 6313503MA, Minor Amendment. Public Water Supply.

Applicant **Authority of the Borough of Charleroi**
 3 McKean Avenue
 PO Box 211
 Charleroi, PA 15022

[Borough or Township] Fallowfield Township
 County **Washington**
 Type of Facility Fallowfield water storage tank
 Consulting Engineer Chester Engineers
 501 McKean Avenue
 Third Floor
 Charleroi, PA 15022
 Permit to Construct June 13, 2013
 Issued

Permit No. 1111502GWR, Minor Amendment. Public Water Supply.

Applicant **Cresson Township Municipal Authority**
 730 Portage Road
 Cresson, PA 16630

[Borough or Township] Cresson Township
 County **Cambria**
 Type of Facility Water system
 Consulting Engineer
 Permit to Operate June 11, 2013
 Issued

Permit No. 6593506-T1, Minor Amendment. Public Water Supply.

Applicant **Sundial Village, LLC**
 236 Tryon Drive
 Blairsville, PA 15717

[Borough or Township] Derry Township
 County **Westmoreland**
 Type of Facility Water system
 Consulting Engineer
 Permit to Operate June 11, 2013
 Issued

Permit No. 0310504GWR, Minor Amendment. Public Water Supply.

Applicant **Worthington-West Franklin Joint Municipal Authority**
 102 West Main Street
 Worthington, PA 16262

[Borough or Township] Worthington Borough and West Franklin Township
 County **Armstrong**
 Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
PO Box 200
Indianola, PA 15051

Permit to Operate June 11, 2013
Issued

Permit No. 5608507GWR-T1, Minor Amendment.
Public Water Supply.

Applicant **Gray Area Water Authority**
PO Box 118
Gray, PA 15544

[Borough or Township] Jenner Township

County **Somerset**

Type of Facility Laurel Mountain Village
water system

Consulting Engineer

Permit to Operate June 11, 2013
Issued

Permit No. 5608507A1-T1, Minor Amendment. Pub-
lic Water Supply.

Applicant Gray Area Water Authority
PO Box 118
Gray, PA 15544

[Borough or Township] Jenner Township

County **Somerset**

Type of Facility Laurel Mountain Village
water system

Consulting Engineer

Permit to Operate June 11, 2013
Issued

Permit No. 0412504GWRGWR, Minor Amendment.
Public Water Supply.

Applicant **Miford Ankrom, Owner**
Ankrom Acres
596 Backbone Road
Clinton, PA 15026

[Borough or Township] Independence Township

County **Beaver**

Type of Facility Water system

Consulting Engineer

Permit to Operate June 14, 2013
Issued

Permit No. 6510501GWRGWR, Minor Amendment.
Public Water Supply.

Applicant **Ligonier Township Municipal
Authority**
1 Municipal Park Drive
Ligonier, PA 15658

[Borough or Township] Ligonier Township

County **Westmoreland**

Type of Facility Waterford Water Works

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit to Operate June 14, 2013
Issued

*Northwest Region: Safe Drinking Water Program Man-
ager, 230 Chestnut Street, Meadville, PA 16335-3481*

Permit No. 6113501 Public Water Supply

Applicant **General Authority of the
City of Franklin**

Township or Borough City of Franklin

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Olgierd K. Wodzianski, P.E.
Wodzianski Engineering, Inc.
1322 Elk Street
Franklin, PA 16323

Permit to Construct June 11, 2013
Issued

Operation Permit issued to **Mr. Charles L. Bauer
d/b/a Sunny Acres Mobile Home Park**, PWSID
#6250023, Venango Township, **Erie County**. Permit
Number 2512507 issued June 12, 2013 for the operation
of the Sunny Acres Mobile Home Park upgrades at the
well house. This permit is issued in response to an
operation inspection conducted by the Department of
Environmental Protection and Erie County Department of
Health staff on June 10, 2013.

Operation Permit issued to **Corner Water Supply
and Service Corporation**, PWSID #6160027, Elk Town-
ship, **Clarion County**. Permit Number 8898-W-MA2
issued June 13, 2013 for the operation of the new
chlorination facility at the water treatment plant. This
permit is issued in response to an operation inspection
conducted by the Department of Environmental Protec-
tion personnel on May 15, 2013.

Permit No. 6112504 Public Water Supply

Applicant **Brandon Maintenance
Repair, Inc.**

Township or Borough Rockland Township

County **Venango**

Type of Facility Public Water Supply

Consulting Engineer Steven R. Halmi, P.E.
Deiss & Halmi Engineering, Inc.
105 Meadville Street
Edinboro, PA 16412

Permit to Construct June 13, 2013
Issued

Permit No. 2501501-MA1 Public Water Supply

Applicant **Millcreek Township Water
Authority**

Township or Borough Millcreek Township

County **Erie**

Type of Facility Public Water Supply

Consulting Engineer Kirt L. Ervin, P.E.
US Engineering, LLC
13742 Mary Lane
Aviston, IL 62216

Permit to Construct June 13, 2013
Issued

Permit No. 361W2-T2-MA4 Public Water Supply

Applicant **Millcreek Township Water
Authority**

Township or Borough Millcreek Township

County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer Kirt L. Ervin, P.E.
 US Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216
 Permit to Construct June 13, 2013
 Issued

Permit No. 361W2-T2-MA3 Public Water Supply
 Applicant **Millcreek Township Water Authority**
 Township or Borough Millcreek Township
 County **Erie**
 Type of Facility Public Water Supply
 Consulting Engineer Kirt L. Ervin, P.E.
 US Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216
 Permit to Construct June 13, 2013
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southcentral Region: Clean 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>
Greene Township	PO Box 215, Scotland, PA 17254	Franklin

Plan Description: The approved plan provides for the continued monitoring, rehabilitation and replacement of the collection system within the Fayetteville and Oak Hill interceptor basins in order to eliminate Inflow and Infiltration. 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.

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 submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environ-

mental 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:

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Envelope 1, Interstate 80 @ MM207E, White Deer Township, **Union County**. Mr. David A. Bogovich, on behalf of Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Envelope 1, Interstate 80 @ MM207E, White Deer Township, **Union County**. Mr. David A. Bogovich, on behalf of Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, 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 17, 2013.

RSS Motor Freight, US Route 15 S, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of RSS Motor Freight, 77 Whitwell Dr, Brampton, ONT L6P1ES, has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Indeno(1,2,3-cd)pyrene, Pyrene, and Lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

RSS Motor Freight, US Route 15S, East Buffalo Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of RSS Motor Freight, 77 Whitwell Dr, Brampton, ONT L6P1ES,

has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, Benzo(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(g,h,i)perylene, Chrysene, Indeno(1,2,3-cd)pyrene, Pyrene, and Lead. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 7, 2013.

Unico Sealing, Inc., SR 61, Northbound & Southbound Juniper Road, Shamokin Township, **Northumberland County**. Mr. David A. Bogovich, President, on behalf of Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Unico Sealing, Inc., SR 61, Northbound & Southbound Juniper Road, Shamokin Township, **Northumberland County**. Mr. David A. Bogovich, President on behalf of Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, 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 June 11, 2013.

C.K. Transport, Interstate 80 @ MM210W, White Deer Township, **Union County**. Mr. David A. Bogovich of Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of C.K. Transport, 8603 125th Street, 2nd Floor, Richmondhill, NY 11419, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

C.K. Transport, Interstate 80 @ MM@210W, White Deer Township, **Union County**. Mr. David A. Bogovich of Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of C.K. Transport, 8603 125th Street, 2nd Floor, Richmondhill, NY 11419, 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 June 11, 2013.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Rutledge Unit 1H, Powder Mill Run Road, Forward Township, **Butler County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 320, Pittsburgh, PA 15205, on behalf of XTO Energy—Appalachia Division, 395 Airport Road, Indiana, PA 15701, submitted a Final Report concerning the remediation of site soils contaminated with Acetone, 2-Butanone, Di-n-propyl nitrosamine, 2-Methyl-4,6-dinitrophenol, Naphthalene, 1,2,4-Trimethylbenzene, 2,4-Dinitrotoluene, Toluene, and m-Nitroaniline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

GetGo #3003-Parcel F-2, LTV South Side, 3247 East Carson Street, Pittsburgh, **Allegheny County**. Civil & Environmental Consultants, 333 Baldwin Road, Pittsburgh, PA 15205, on behalf of Pasquale D. Avolio, P.E. and Giant Eagle Inc., 261 Kappa Drive, Pittsburgh, PA 15238 has submitted a Final report regarding site soil and groundwater contaminated with VOCs, SVOCs and Metals attributed to the historical use of the site. Remediation to a site-specific standard is being sought.

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.

Colavito Residence, 92 Fairview Avenue, Mount Pocono Borough, **Monroe County**, John Lydzinski, Cardno MM & A, has submitted a Final Report on behalf of his client, Paul Colavito, 92 Fairview Avenue, Mt. Pocono, PA 18344, concerning the remediation of soil found to have been impacted by #2 fuel oil from an overflow resulting in the release of approximately 5 to 10 gallons to the interior and exterior of the property. A public notice regarding the submission of the Final Report was published in the *Pocono Record* on May 31, 2013. The report documented attainment of the Residential Statewide Health Standards of soil and was approved on May 10, 2013.

Dotterer Residence, 1042 4th Street, North Catasauqua Township, **Northampton County**, Richard Trimpi, Trimpi Associates, Inc., has submitted a Final Report on behalf of his client, Mr. Richard Dotterer, 1042 4th Street, Catasauqua, PA 18032, concerning the remediation of soil found to have been impacted by #2 fuel oil as a result of a release to the basement dirt floor because of corrosion along the bottom of the 275 gallon aboveground storage tank. The report document attainment of the Residential Statewide Health Standard for soil and was approved on June 6, 2013.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.

Geraldine Ronan Rental Property, 729 Petersburg Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Geraldine Ronan, 759 Petersburg Road, Carlisle, PA 17015, submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The Remedial Investigation Report and Cleanup Plan were approved by the Department on June 13, 2013. The site is being remediated to a Site-Specific standard.

Ara Seropian Property, 253-257 North Prince Street, City of Lancaster, **Lancaster County**, GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Ara Seropian, 104 Blossom Hill Drive, Lancaster, PA 17603, submitted a Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with gasoline released from unregulated underground storage tanks. The Remedial Investigation Report and Final Report demonstrated attainment of a combination of the Residential Statewide Health and Site-Specific standards, and were approved by the Department on June 12, 2013.

Tremellen's Tire & Auto, Inc., 1071 Manheim Pike, Lancaster, PA 17601, City of Lancaster and Manheim Township, **Lancaster County**, Marks Environmental, Inc., 140 Bollinger Road, Elverson, PA 19520, on behalf of Loan Ranger, LLC, 22 East Mifflin Street, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils and groundwater contaminated with leaded and unleaded gasoline. The Final Report demonstrated

attainment of the Nonresidential Statewide Health standard, and was approved by the Department on June 17, 2013.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit(s) issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southwest Regional Office, Regional Solid Waste Manager; 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.

Permit ID No. 101676: ABC-EZ Moving Company, Inc., 1000 Island Avenue, McKees Rocks, PA 15136. Renewal of the permit for the Construction and Demolition waste transfer facility in Stowe Township, **Allegheny County**. Ten year Permit Renewal issued in the Regional Office on June 13, 2013.

Permits deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.

Southcentral Region: Regional Solid Waste Manager; 909 Elmerton Avenue, Harrisburg, PA 17110-8200

Permit No. 101092 Boyd E. Diller Inc, 6820 Wertzville Rd, Enola, PA 17025, a municipal waste transfer facility located in Hampden Township, **Cumberland County**. The permit application is for a Waste Analysis and Classification Plan (Form R) to accept various residual wastes for transfer. The application was deemed administratively complete by the Southcentral Regional Office on April 29, 2013. The Department will accept comments from the general public recommending revisions to and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Applications renewed Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southcentral Region: Regional Solid Waste Manager; 909 Elmerton Avenue, Harrisburg, PA 17110

Permit Application No. 100992. The Harrisburg Authority located in Swatara Township, **Dauphin County**. Permit renewal for Solid Waste Permit No. 100992 for the operation of the Harrisburg Ash Landfill, issued on May 24, 2013 in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

Permits deemed administratively complete under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal area or Site.

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200

Permit No. 100739 Rolling Hills Landfill, 583 Longview Road, Boyertown, PA 19512, a municipal waste landfill located in Earl Township, **Berks County**. The permit application is for a change to the leachate treatment plan. The application was deemed administratively complete by the Southcentral Regional Office on January 27, 2012. The Department will accept comments from the general public recommending revisions to and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

Permit No. 100945 Community Refuse Service Inc., 135 Vaughn Road, Shippensburg, PA 17257. The permit application is for the **Cumberland County** Landfill to restore approximately 16.8 acres, previously approved by the Department, to the Snyder Soil Borrow Area. This area was withdrawn by the applicant prior to permit issuance of the Snyder Soil Borrow Area, due to the failure to obtain a waiver from the previous landowner. The subject property was purchased by the landfill. The Environmental Assessment/Harms/Benefits Analysis was previously assessed on the approximately 16.8 acres. The application was deemed administratively complete by the Southcentral Regional Office on April 16, 2013. The Department will accept comments from the general public recommending revisions to, and approval or denial of the application during the entire time the Department is reviewing the permit application.

Comments concerning the application should be directed to Mr. John Oren, Permits Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Person interested in obtaining more information about this permit application may contact the Southcentral Regional Office at (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

GP3-06-05092F: Haines & Kibblehouse, Inc. (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on June

11, 2013, for portable nonmetallic mineral processing equipment under GP3 at the South Reading Asphalt Plant, in Cumru Township, **Berks County**.

GP9-06-05092F: Haines & Kibblehouse, Inc. (PO Box 196, 2052 Lucon Road, Skippack, PA 19474) on June 11, 2013, for a diesel-fired engine under GP9 to power portable nonmetallic mineral processing equipment at the South Reading Asphalt Plant, in Cumru Township, **Berks County**.

GP1-01-03008: Gettysburg College (300 N. Washington Street, Gettysburg, PA 17325) on June 14, 2013, for three (3) existing boilers, which are Small Gas and #2 Oil Fired Combustion Units under GP1 in Gettysburg Borough, **Adams County**.

GP14-38-03060: Pet Cremation Services of Palmyra (920 E. Main Street, Palmyra, PA 17078) on June 14, 2013, for an animal crematory unit, under GP14, at their facility in Palmyra Borough, **Lebanon 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

GP5-03-00235B: EXCO Resources (PA), LLC (3000 Ericsson Drive, Suite 200, Warrendale, PA 15086) on June 12, 2013, to renew the authorization to operate the existing equipment consisting of One (1) F18GL Waukesha 4SLB natural gas fired compressor engine rated at 375 bhp, One (1) NATCO TEG dehydrator rated at 1.0 MMscf/day, One (1) natural gas fired reboiler rated at 0.25 MMBtu/hr, and Two (2) storage tanks of various capacities at their State Gamelands Compressor Station in Mahoning Township, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP3-10-363E: Allegheny Mineral Corp.—Hilliards Plant (Nagy Road, Whiskerville, PA 16040) on June 7, 2013, to operate a portable nonmetallic mineral processing plant consisting of a crusher rated at 300 tph and a Greystone Potable Washing and Screen Plant consisting of a vibratory screen rated at 300 tph and a non-vibratory screen (BAQ-GPA/GP-3) in Washington Township, **Butler County**. This permit was previously permitted under Quality Aggregates, Inc., General Permit No. GP3-10-363C.

GP9-10-363F: Allegheny Mineral Corp.—Hilliards Plant (Nagy Road, Whiskerville, PA 16040) on June 7, 2013, to operate a diesel or #2 fuel-fired internal combustion engine (John Deere, Model No. 6135 HF 486 13.5 liter) diesel engine rated at 500 bhp (BAQ-GPA/GP-9) in Washington Township, **Butler County**. This permit was previously permitted under Quality Aggregates, Inc., General Permit No. GP9-10-363D.

GP3-16-162C: Allegheny Mineral Corp.—Mascharka Plant (51 Heeter Road, Emlenton, PA 16373) on June 7, 2013, to operate a portable nonmetallic mineral processing plant consisting of a crusher rated at 300 tph and a Greystone Potable Washing and Screen Plant consisting of a vibratory screen rated at 300 tph and a non-vibratory screen (BAQ-GPA/GP-3) in Richland Township, **Clarion County**. This permit was previously permitted under Quality Aggregates, Inc., General Permit # GP3-16-162A.

GP9-16-162D: Allegheny Mineral Corp.—Mascharka Plant (51 Heeter Road, Emlenton, PA 16373) on June 7, 2013, to operate a diesel or #2 fuel-fired internal combustion engine (John Deere, Model No. 6135 HF 486 13.5 liter) diesel engine (BAQ-GPA/GP-9) in Richland Township, **Clarion County**. This permit was previously permitted under Quality Aggregates, Inc., General Permit # GP3-16-162B.

Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0044B: Glasgow, Inc. (Church & Flint Hill Roads, King of Prussia, PA 19406) on June 12, 2013, to install two (2) replacement secondary crushers for the existing secondary stone crushing plant at their McCoy Quarry facility in Upper Merion Township, **Montgomery County** and is a non-Title V facility.

Particulate matter (“PM”) emissions from the replacement secondary crushers will be controlled by the existing water spray dust suppression system and enclosure associated with the secondary stone crushing plant. As the rated capacities of the proposed replacement secondary crushers are less than those of the current secondary crushers, no increase in the potential to emit PM is expected from the project.

The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

38-03014D: Pennsy Supply Inc. (1 Clear Spring Road, Annville, PA 17003) on June 10, 2013, for relocation of some of the existing equipment at their Hummelstown Quarry to their Millard Quarry in North Londonderry Township, **Lebanon County**. The relocated plant will consist of five (5) belt conveyors, five (5) vibrating pan reclaim feeders, dryer burner, rotary dryer, bucket elevator, vibrating screen, surge bin, grinding mill, screw conveyors, pneumatic conveyors and six (6) product storage silos. The controls include a mill cyclone, three (3) fabric collectors, five (5) bin vents and six (6) truck loading spouts. The following equipment will be located inside an enclosed building: bucket elevator, vibrating screen, feed bin, grinding mill, cyclone, two (2) fabric collectors—exhausted outside, air classifier and various conveyors.

36-03038A: Evans Eagle Burial Vaults, Inc. (15 Graybill Road, Leola, PA 17540) on June 10, 2013, for operation of three (3) human crematories in Upper Leacock Township, **Lancaster County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00087A: Knight-Confer Funeral Home, LLC (1914 Memorial Avenue, Williamsport, PA 17701) on June 13, 2013, to construct a human crematorium at their facility in Williamsport, **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

24-083V: Mersen USA (215 Stackpole Street., St. Marys, PA 15857) on June 11, 2013, for to install a seven (7) baking kilns and associated regenerative thermal oxidizers and wet scrubber at their facility in the City of St. Marys, **Elk County**. This is a Title V facility.

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

09-0196G: Abington Reldan Metals, LLC (550 Old Bordentown Road, Fairless Hills, PA 19030) on June 12, 2013, minor modification for removing two units of 4.0 MMBtu/hr melt furnaces, and installing two units of fugitive hoods in the Melt Furnace area, without changing operational procedures and the emission limits, at Falls Township, **Bucks County**

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-309-076: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052-1827) on June 10, 2013, to install and operate DAA and SNCR systems at the facility in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-05154A: Mount Joy Wire Corp. (1000 East Main Street, Mount Joy, Pennsylvania 17552) on June 10, 2013, 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.

28-05012A: Volvo Construction Equipment, LLC—North America (312 Volvo Way, Shippensburg, PA 17257) on June 14, 2013, for construction and subsequent temporary operation of five (5) spray paint booths with dry panel filters, a shotblast booth and cartridge collector, a natural gas-fired emergency generator, and paint line natural gas-fired processes, at the road machinery manufacturing facility in Shippensburg Borough, **Franklin 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

08-00003F: CraftMaster Manufacturing, Inc. (PO Box 311, Towanda, PA 18848-0311) on June 14, 2013, to extend the authorization to operate two regenerative thermal oxidizers; one on the Line 1 pressurized refiners and first stage dryers, and one on the Line 2 pressurized refiners and first stage dryers, each preceded by a water dropout box, at their facility in Wysox Township, **Bradford County** on a temporary basis to December 11, 2013. The plan approval has been extended.

08-00003G: CraftMaster Manufacturing, Inc. (PO Box 311, Towanda, PA 18848-0311) on June 14, 2013, to extend the authorization to exhaust the refiner reject emissions from Source IDs 141P and 142P to scrubbers (IDs D41 and E42) at their facility in Wysox Township, **Bradford County** on a temporary basis to December 11, 2013. 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

65-00101C: MAX Environmental Technologies, Inc. (1815 Washington Road, Pittsburgh, PA 15241) on June 17, 2013, received an 180-day extension of the period of temporary operation for sources and controls associated with an electric arc furnace dust treatment system authorized under plan approval PA-65-00101C at its Yukon Facility located in South Huntingdon Township, **Westmoreland County**. This extension was effective on June 15, 2013, and expires on December 15, 2013. The plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-037A: U.S. Bronze Foundry & Machine, Inc. (18649 Brake Shoe Road, Meadville, PA 16335) on June 12, 2013, effective June 30, 2013, to issue a plan approval extension for the construction of four new electric induction furnaces as part of Source 116 & 117 and the installation of a new baghouse (C116A) to control emissions from Source 116 & 117 and the removal of the old baghouse (C116). This permit is also for Orrville Bronze to install sources that will have their own controls and 4 furnaces that will exhaust into C116A & C117A. This is a State Only facility and is in Woodcock Township, **Crawford County**.

24-083T: Mersen USA St Marys—PA Corp.—formerly Carbone of America (215 Stackpole Street, St Marys, PA 15857) on June 12, 2013, effective June 30, 2013, to issue a plan approval extension for the installation of a new graphitizing furnace. This action is under Plan Approval 24-083T for the facility located at 1032 Trout Run Road, in the City of St Marys, **Elk County**.

33-185A: Columbia Gas Transmission LLC—Iowa Compressor Station (Iowa Road, Pine Creek, PA 17739) on June 12, 2013, effective June 30, 2013, to issue a plan approval extension for the construction of two compressor engines and support equipment. This is a State Only facility and is located in Pine Creek Township, **Jefferson County**.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

17-00001: GenON REMA, LLC (121 Champion Way, Canonsburg, PA 15317) on June 10, 2013, to renew the Phase II Title IV operating permit for their Shawville Generating Station in Bradford Township, **Clearfield County**. The Phase II Title IV operating permit will expire on the date of expiration of Title V Operating Permit 17-00001, March 25, 2017.

49-00020: Truck Accessories Group—d/b/a TAG East (3560 Housels Run Road, Milton, PA 17847) on June 10, 2013, a Title V operating permit renewal for their Milton facility in Milton Borough, **Northumberland County**. The facility's sources include forty-four (44) natural gas-fired space heaters, one (1) propane-fired emergency generator, a fiberglass reinforced plastic molding and assembly operation, a truck cap and Tonneau Cover assembly and finishing area, aluminum truck cap assembly and finishing area and three (3) solvent recovery units which have the potential to emit major quantities of volatile organic compounds (VOCs) and volatile hazardous air pollutant (VHAP) emissions. The facility has the potential to emit carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), particulate matter (PM/PM₁₀) and carbon dioxide equivalents (CO₂e) below the major emission thresholds. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

18-00005: Dominion Transmission, Inc. (P. O. Box 2450, Clarksburg, WV 26302-2450) on June 11, 2013, issued a Title V Operating permit renewal for their Finnefrock compressor station in Leidy Township, **Clinton County**. The facility's main sources include three (3) natural gas-fired boilers, six (6) natural gas-fired compressor engines, nine (9) storage tanks, one (1) parts washer and one (1) natural gas-fired generator. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act 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

23-00046: Container Research Corp. (Hollow Hill Road, Glen Riddle, PA 19037) on June 12, 2013, to operate one (1) boiler unit and two (2) paint spray booths in Aston Township, **Delaware County**. The main emissions from this facility are volatile organic compounds. This action is a renewal of the original State Only Operating Permit (Synthetic Minor), which was issued in September, 2002. The renewal contains conditions including 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

39-00003: Apollo Metals, LTD. (1001 14th Avenue, Bethlehem, PA 18018) on June 18, 2013, for electroplating operations in City of Bethlehem, **Lehigh County**. The sources consist of two (2) boilers using natural gas and #4 fuel oil with a rated heat input greater than 10 MMBtu/hr., a brass evaporative recovery process, and a copper evaporative recovery process. The control devices for the sources are scrubber systems. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO); total suspended particulate (TSP) and VOC's. This is a new State-Only Synthetic Minor 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 William Weaver, Program Manager—Telephone: 717-705-4702.

31-03032: Glenn O. Hawbaker, Inc. (711 E. College Avenue, Pleasant Gap, PA 16823-6854) on June 10, 2013, for their limestone crushing operation at the Canoe Valley Quarry in Morris Township, **Huntingdon County**. The State-only permit was renewed.

06-03140: McNeilus Truck & Manufacturing, Inc. (941 Hemlock Road, PO Box 219, Morgantown, PA 19543-0219) on June 11, 2013, for their truck repair facility in Caernarvon Township, **Berks County**. The State-only permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

14-00036: Gensimore Trucking, Inc. (P. O. Box 5210, Pleasant Gap, PA 16823) on June 11, 2013, to operate their Happy Valley Blended Products facility in Spring Township, **Centre County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

19-00030: Sokol Quarries, Inc. (P. O. Box 366, Bloomsburg, PA 17815-0366) on June 5, 2013, for their facility located in Fishing Creek Township, **Columbia County**. The operating permit renewal includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

18-00026: First Quality Products, Inc. (121 North Road, McElhattan, PA 17748) on June 12, 2013, issued a State Only operating permit for their facility in Wayne Township, **Clinton County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

55-00022: Schreck's Custom Trim Finishing, Inc. (PO Box 6, Mount Pleasant Mills, PA 17853) on June 11, 2013, issued a State Only operating permit for their facility in Perry Township, **Snyder County**. The State Only operating permit contains requirements including

monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

41-00081: East Lycoming School District (349 Cemetery Street, Hughesville, PA 17737) on June 11, 2013, issued a State Only operating permit for their facility in Hughesville Borough, **Lycoming County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

49-00026: Ergon Asphalt & Emulsions, Inc.—d/b/a Crafcro, Inc. (4th & Duke Streets, Northumberland, PA 17857) on June 14, 2013, issued a state only operating permit for their facility in Point Township, **Northumberland County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

30-00094: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on June 11, 2013, to issue a State Only Operating Permit (SOOP) to Texas Eastern Transmission, LP to authorize the continued operation of the natural gas transmission facility known as the Waynesburg Station, in Franklin Township, **Greene County**. Sources at this facility include natural gas fire Solar Centaur Turbine Model T-5802S rated at 59.25 mmbtu/hr and 6,166 hp and one Onan emergency generator rated at 17 hp with an operating limit of 500 hours per year.

65-000966: Greensburg Thermal, LLC, (755 Opossum Lake Road, Carlisle, PA, 17013) on June 12, 2013, to issue the State Only Operating Permit to operate the Greensburg Thermal Steam Plant, in Hempfield Township, **Westmoreland County**.

The facility contains air contamination sources consisting of one (1) circulating fluidized bed (CFB) biomass, coal, and waste coal-fired boiler with maximum fuel heat input of 20.7 MMBtu/hour. Particulate emissions from the CFB are controlled by a pulsejet cleaned fabric filter. SO₂ emissions are controlled by limestone injected into the fluid bed. NO_x emissions are controlled by low combustion temperatures in the fluidized bed. Flue gas recirculation further reduces NO_x by reducing the O₂ concentration in the bed. LP gas or distillate fuel oil is used to start the CFB boiler. In addition, the steam plant has two 9.9 MMBtu/hr, natural gas-fired boilers which generally operate as backups to the CFB unit. The plant also contains three silos with fabric filter bin vents to store sand and limestone for the CFB boilers, as well as the generated ash. Finally, the plant has material handling equipment to load the silos, a coal storage pile, and feed coal and coal refuse to the CFBs.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, and PA Code Title 25, Article III, Chapters 121 through 145.

26-00002: Henwil Corp.—Newell Works (899 Third Street, Newell, PA 15466) on June 17, 2013, to issue a State Only Operating Permit to manufacture aluminum sulfate, calcium nitrate, and poly DADMAC chemicals in

Newell Township, **Fayette County**. The subject facility consists of two 10,000 gallon DADMAC storage tank, two reactor vessels, 14,000 gallon Sulfuric Acid storage tank, a 9.96 MMBtu/hr natural gas boiler, a 504 bhp diesel emergency generator, Aluminum Sulfate production, and cooling tower. The facility has the potential to emit 8.85 tpy NO_x, 4.59 tpy CO, 1.30 tpy SO_x, 3.26 tpy PM, 2.28 tpy PM₁₀, and 4.59 tpy VOC. The facility is required to conduct a weekly 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 weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The emergency generator is limited to 500 hours per year. The proposed authorization is subject to State and Federal Regulations (ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

10-00309: Harsco Metals—Butler (Route 6, South Butler, PA 16001) on June 11, 2013, for renewal of the Natural Minor Operating Permit in City of Butler, **Butler County**. The facility is processing slag generated from furnaces. The facility's emitting sources included: 1) Automated Material Processing Plant, 2) Scalper Screens and, 3) Ferro Cut Torch. The emissions from the facility are less than Title V threshold limits. Thus, facility is natural minor. The allowable total particulate emission restriction for the Ferro Cut Torch exhaust from the baghouse is 5.58 tons per year. The particulate emissions from the remaining sources are controlled by water spray.

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

46-00069: Highway Materials, Inc.—Plymouth Meeting Quarry (5000 Joshua Road, Plymouth Meeting, PA 19462) on June 12, 2013, located in Whitmarsh Township, **Montgomery County**, for operation of the existing stone crushing plant. The permit is for a non-Title V (State only) facility. Facility wide criteria pollutant emissions are restricted to less than the major facility thresholds; therefore, the facility is classified as a Synthetic Minor facility. Administrative Amendment of the Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450. The Administrative Amendment incorporates terms and conditions of Plan Approval No. 46-0069E, which allows for the installation of a new primary crusher (Source ID 1007—Primary Crusher); Particulate Matter (PM) emissions from the crusher are controlled by a new wet suppression system (Source ID C03) and the existing baghouse (Source ID C28). Sources at the facility are required to comply with the New Source Performance Standards of 40 CFR Part 60 Subpart 000. The amended permit will include monitoring,

recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

46-00012: Philadelphia Media Network. (800 River Rd., Conshohocken, PA 19428-2632) on June 14, 2013, for an Administrative Amendment to the issued State Only Operating Permit (Synthetic Minor) 46-00012 for its facility in Upper Merion Township, **Montgomery County**. The Administrative Amendment identifies a change in the name and title of the Responsible Official and the Permit Contact Person identified in the permit.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00493: CONSOL Energy Inc. (1000 CONSOL Energy Drive, Canonsburg, PA, 15317) on June 14, 2013, the Department returned an Operating Permit application for the Somerset Club Mine coal preparation plant to the company without review. This action was taken because the unit had been inactive for a period greater than one continuous year, without the submittal of a maintenance plan. The facility is located in Somerset Township, **Washington County**.

63-00501: CONSOL Energy Inc. (1000 CONSOL Energy Drive, Canonsburg, PA, 15317) on June 12, 2013, the Department returned an Operating Permit application for the Beagle Club Mine coal preparation plant to the company without review. This action was taken because the unit had been inactive for a period greater than one continuous year, without submittal of a maintenance plan. The facility is located in South Strabane Township, **Washington County**.

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

32031301. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Lowry Deep Mine in White Township, **Indiana**

County to install a sludge disposal borehole and associated pipeline form treatment pond facilities. Surface Acres Proposed 2.5. No additional discharges. The application was considered administratively complete on November 18, 2010. Application received September 27, 2010. Permit June 11, 2013.

32011301. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650) To revise the permit for the Palmerton Mine in Burrell Township, **Indiana County** to add surface acreage to construct an access road. Surface Acres Proposed 4.5. No additional discharges. The application was considered administratively complete on October 27, 2008. Application received September 4, 2008. Permit issued June 12, 2013.

56743705 and NPDES No. PA0235695. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Mine 78 CRDA in Paint Township, **Somerset County** and related NPDES permit. No additional discharges. The application was considered administratively complete on August 18, 2010. Application received July 08, 2010. Permit issued June 13, 2013.

30753712 and NPDES No. PA0215724. Emerald Coal Resources, LP, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). To renew the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on May 17, 2011. Application received June 11, 2010. Permit issued June 13, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56663135 and NPDES No. PA0605921, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, transfer of an existing bituminous surface and auger mine from Zubek, Inc., P. O. Box 5 Cairnbrook, PA 15924, located in Stonycreek Township, **Somerset County**, affecting 128.2 acres. Receiving stream: Schrock Run classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received February 10, 2012. Permit Issued June 6, 2013.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

10970105. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Revision to an existing bituminous surface, auger and coal ash placement mine to delete 229.9 acres in Concord & Fairview Townships, **Butler County**. New SMP acreage is 4.8 acres. Receiving streams: Three unnamed tributaries to Bear Creek and Bear Creek. Application received: February 8, 2013. Permit Issued: June 10, 2013.

10970105 and NPDES Permit No. PA0227625. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201) Renewal of an existing bituminous surface, auger and coal ash placement mine in Concord & Fairview Townships, **Butler County** affecting 4.8 acres. Receiving streams: Three unnamed tributaries to Bear Creek and Bear Creek. This renewal is for reclamation only. Application received: February 8, 2013. Permit Issued: June 10, 2013.

10120106 and NPDES Permit No. PA0259381. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a

bituminous surface in Fairview & Parker Townships, Petrolia Borough, **Butler County** affecting 465.7 acres. Receiving streams: Unnamed tributaries to South Branch Bear Creek. Application received: November 29, 2012. Permit Issued: June 13, 2013.

1475-10120106-E-1. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Application for a stream encroachment to mine and construct a haul road crossing over unnamed tributary No. 1 to South Branch Bear Creek in Fairview & Parker Townships, Petrolia Borough, **Butler County**. In addition, mining activities may be conducted no closer than 50 feet to unnamed tributary No. 5 to South Branch Bear Creek for the purposes of support facility construction. Application received: November 29, 2012. Permit Issued: June 13, 2013.

Noncoal Permits Actions

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65110601. C. H. and D. Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). Permit issued for commencement, operation and reclamation of a large noncoal surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 21.1 acres. Receiving stream: unnamed tributary to Sewickley Creek. Application received: August 2, 2011. Permit issued: June 13, 2013.

65110601-GP-104. C.H. and D. Enterprises, Inc. (100 Brady Place, New Stanton, PA 15672). General NPDES permit for stormwater discharge associated with mining activities for large noncoal (Industrial Mineral) Permit No. 65110601, located in South Huntingdon Township, **Westmoreland County**. Application received: August 31, 2011. GP-104 permit issued: June 13, 2013.

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

42120803. John J. Gentilman (214 Chestnut Street, Kane, PA 16735) Commencement, operation and restoration of a small industrial minerals mine in Wetmore Township, **McKean County** affecting 5.0 acres. Receiving streams: Unnamed tributary to Hubert Run. Application received: September 14, 2012. Permit Issued: June 12, 2013.

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

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26134001. T & B Excavating, Inc. (P. O. Box 337, McClellandtown, PA 15458). Blasting activity permit for the Sterbutzel GFCC reclamation project, located in Luzerne Township, **Fayette County**. The duration of blasting is expected to last one year. Blasting permit issued: June 11, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08134119. Holbert Explosives, Inc. (237 Mast Hope Plank Rd, Lackawaxen, PA 18435). Blasting for construction of pipeline located in Asylum and Wysox Townships, **Bradford County** with an expiration date of June 10, 2014. Permit issued June 11, 2013.

08134120. Holbert Explosives, Inc. (237 Mast Hope Plank Rd, Lackawaxen, PA 18435). Blasting for construction of pipeline located in Tuscarora and Wyalusing Townships, **Bradford County** with an expiration date of June 10, 2014. Permit issued June 11, 2013.

18134101. Douglas Explosives, Inc. (PO Box 77, Philipsburg, PA 16866-0077). Blasting for highway Ramp D SR 220 located in Lamar Township, **Clinton County** with expiration date of December 30, 2013. Permit issued June 12, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

66134112. Midstream Explosives, LLC, (289 Southside Drive, Newville, PA 17241), construction blasting for Meshoppen Bishop Gathering Pipeline in Springville and Meshoppen Townships, **Wyoming and Susquehanna Counties** with an expiration date of May 6, 2014. Permit issued: May 14, 2013.

38134119. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Elmer Witmer Heifer Barn in Jackson Township, **Lebanon County** with an expiration date of September 30, 2013. Permit issued: June 11, 2013.

40134001. Brainard Explosives LLC, (3978 State Route 2073, Kingsley, PA 18826), construction blasting for a Driveway at 562 Sutton Creek Road in Exeter Township, **Luzerne County** with an expiration date of October 30, 2013. Permit issued: June 12, 2013.

23134104. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Webster Farms in Bethel Township, **Delaware County** with an expiration date of June 6, 2014. Permit issued: June 12, 2013.

66134117. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Jack Williams Tire & Auto Service Center in Eaton Township, **Wyoming County** with an expiration date of December 31, 2013. Permit issued: June 12, 2013.

36134126. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Grandview Development in Manheim Township, **Lancaster County** with an expiration date of June 11, 2014. Permit issued: June 14, 2013.

52134105. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Blue Heron Woods in Lackawaxen and Blooming Grove Townships, **Pike County** with an expiration date of June 6, 2014. Permit issued: June 14, 2013.

52134106. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Hemlock Farms in Dingman, Porter and Blooming Grove Townships, **Pike County** with an expiration date of June 30, 2014. Permit issued: June 14, 2013.

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	

* 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* pH*		greater than 6.0; less than 9.0	

* 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 standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91–96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (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 Department 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.

Noncoal NPDES Draft Permits

Knox District Mining Office: P. O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

NPDES No. PA0242365 (Permit No. 16030302). Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205) Revision to an NPDES permit for a large industrial minerals surface mine in Richland & Licking Townships, **Clarion County**, affecting 143.5 acres. Receiving streams: Unnamed tributary No. 1 to Turkey Run, classified for the following uses: HQ-CWF, and unnamed tributary No. 3 to the Clarion River, classified for the following uses: CWF. TMDL: Lower Clarion River. Application received: March 6, 2013.

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 unnamed tributary No. 3 to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N
TB	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)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹The parameter is applicable at all times.

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N

The outfall(s) listed below discharge to unnamed tributary No. 3 to the Clarion River:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	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)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

The outfall(s) listed below requires a non-discharge alternative:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

NPDES No. PA 0257133 (Mining Permit No. 57120301), Ininger Excavating, Inc., 3046 Dushore-Overton Road, Dushore, PA 18614, new NPDES permit for noncoal surface mining in Forks Township, **Sullivan County**, affecting 38.3 acres. Receiving stream(s): Unnamed Tributary to Black Creek, classified for the following use(s): CWF. Application received: July 2, 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 discharge to Unnamed Tributary to Black Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
01	Y
02	Y

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

NPDES No. PA0595845 on Surface Mining Permit No. 58920301. Reading Materials, Inc., (2052 Lucon Road, PO Box 1469, Skippack, PA 19474), renewal of an NPDES Permit for a Sandstone/Shale Quarry operation in New Milford Township, **Susquehanna County**, affecting 131.8 acres. Receiving stream: Beaver Creek, classified for the following use: HQ-cold water fishes (No TMDL). Application received: March 29, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Beaver Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S
002	No	E&S

NPDES No. PA0595209 on Surface Mining Permit No. 35910301. West Mountain Sand, Stone & Aggregates, LTD, (PO Box 389, Skippack, PA 19474), renewal of an NPDES Permit for a Sandstone Quarry operation in Newton and Ransom Townships, **Lackawanna County**, affecting 249.0 acres. Receiving stream: Keyser Creek, classified for the following use: cold water fishes (No TMDL). Application received: March 29, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Keyser Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S
002	No	O.D. (Artesian Well)

NPDES No. PA0224642 on Surface Mining Permit No. 09080301. Haines & Kibblehouse, Inc., (2052 Lucon Road, PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a Argillite Quarry operation in Hilltown Township, **Bucks County**, affecting 52.9 acres. Receiving stream: unnamed tributary to Morris Run, classified for the following uses: trout stocking fishes and migratory fishes (No TMDL). Application received: April 15, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Morris Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
BG-001	No O.D.	

NPDES No. PA0223875 on Surface Mining Permit No. 48980301. Chrin Brothers, Inc., (635 Industrial Drive, Easton, PA 18042), renewal of an NPDES Permit for a large noncoal quarry operation in Williams Township, **Northampton County**, affecting 36.8 acres. Receiving stream: unnamed tributary to Lehigh River, classified for the following use: cold water fishes (No TMDL). Application received: April 16, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to unnamed tributary to Lehigh River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S
002	No	E&S

NPDES No. PA0223948 on Surface Mining Permit No. 22880301. Rocky Licensing Corp., (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a limestone quarry operation in Lower Swatara Township, **Dauphin County**, affecting 143.1 acres. Receiving stream: Swatara Creek, classified for the following uses: warm water fishes (No TMDL). Application received: May 14, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Swatara Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D. (pit sump)

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: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E54-356. Pennsylvania Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101-1013. City of Pottsville and Palo Alto Borough, **Northampton County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure; and to construct and maintain a 77-foot wide single span steel I-beam bridge over the Schuylkill River (CWF), having a normal span of 91 feet and an approximate under-clearance of 14.2 feet and; to relocate 250 feet of a tributary to the Schuylkill River (CWF). The relocation consists of filling in the existing channel and to construct and maintain a 250-foot long channel having a 2-foot bottom width and 2:1 side slopes. The project is located along S.R. 61, Section 15B, Segment 0350, Offset 0627 (Pottsville, PA Quadrangle Latitude: 40° 40' 54"; Longitude: -76° 11' 24").

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1682. Mr. Robert Shuty, 5518 Ohio Street Pittsburgh, PA 15225-1309, Neville Township, **Allegheny County**; ACOE Pittsburgh District

Applicant has been given consent to operate and maintain the existing retaining wall approximately 96.0 feet in length and 9.0 ft. high and to operate and maintain the existing boat dock approximately 80.0 feet in length and 42.0 feet in width (as measured from the shore line) in the channel and along the left bank of the Ohio River (WWF). The project is located just north from the intersection of Jane Street and Ohio Street, approximately 1,000.0 feet upstream from the Interstate 79 Bridge (Ambridge, PA Quadrangle; N: 2.50 inches; W: 0.75 inches; Latitude: 40° 30' 49.5"; Longitude: 80° 7' 49.5") in Neville Township, Allegheny County.

E65-954. Westmoreland County Industrial Development Corporation (WCIDC), 420 North Pennsylvania Avenue Fifth Floor Suite 520 Greensburg, PA 15601, Unity Township, **Westmoreland County**; ACOE Pittsburgh District

Applicant has been given consent to construct and maintain three (3) road crossings, each with multiple utility line stream crossings, and two (2) stand-alone utility line stream crossings, of four (4) unnamed tributaries within the Ninemile Run watershed (WWF), for the purpose of installing the infrastructure (i.e. access roads and utility lines), for Phase II (an approximately 70 acre area), of the Westmoreland Air Park industrial development site. Culvert No. 1 will be a 14' wide x 4' high, 89 ft long pre-cast concrete box culvert. Culvert No. 2 will be a 58 ft long, 48" diameter concrete pipe culvert. Culvert No. 3 will be a 65 ft long, 84" diameter concrete pipe culvert. Both stand-alone utility line stream crossings will consist of 8" diameter ductile iron sanitary sewer pipe. The cumulative stream impact from these crossings will be approximately 411.3 feet. The project site is located near the intersection of Bayhill Road with State Route 981, (Latrobe PA Quadrangle N: 1.4"; W: 6.7"; Latitude: 40° 15' 28"; Longitude: 79° 25' 22") in Unity Township, Westmoreland County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.

E20-586, Wesbury United Methodist Retirement Community, 31 North Park Avenue, Meadville, PA 16335 in the City of Meadville, **Crawford County**, ACOE Pittsburgh District to permanently fill 0.92 acre of wetland (0.08 acre PEM, 0.11 acre PSS, 0.73 acre PFO) in the watershed of Bennyhoof Creek (WWF) associated with the construction of 13 new residential homes, the redevelopment of the community church and drug store, and the construction of associated roadways, driveways, and stormwater management facilities within the North Heights portion of the Wesbury Retirement Community. Project includes creation of 1.7 acres of replacement wetlands on site and the enhancement of an additional 0.9 acre of existing on site PEM wetlands. (Meadville, PA Quadrangle N: 41°, 40', 04"; W: 80°, 08', 12").

E37-192, Hickory Run Energy, LLC, 400 Chesterfield Center, Suite 110, Chesterfield, MO 63017 in North Beaver and Mahoning Townships, **Lawrence County**, ACOE Pittsburgh District to conduct the following activities associated with the construction of a natural gas-fired electric generating facility including associated parking and infrastructure northeast of the intersection of McClelland Rd and SR 551, utility connection to existing electric and gas lines west of Mohawk School Road and a Water Discharge Pipeline to the Mahoning River (Bessemer, PA Quadrangle N: 40°, 59', 39.65"; W: 80°, 25', 55.29");

1. To permanently impact a total of 0.361 acre of wetland for road crossings, widening of an existing roadway, site grading and one utility pole.

2. To temporarily impact a total of 0.253 acre of wetlands and 130 feet of a tributary to Mahoning River for equipment access during construction.

3. To install and maintain natural gas pipeline and water discharge pipeline across 8 wetland areas and two tributaries to Mahoning River by directional bore.

4. To install and maintain aerial electric transmission line crossings of 9 wetland areas.

5. To construct and maintain a plant water discharge outfall to Mahoning River approximately 100 feet upstream of T-378 (Coverts Rd.) bridge.

Project includes a contribution of \$5,000.00 to the PA Wetland Replacement Fund as compensation for permanent wetland impacts.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-065: Chesapeake Appalachia, LLC, 101 North Main Street, Athens, PA 18810, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain a wetland mitigation area impacting 13,068 square feet (0.3 acre) of a Palustrine Emergent Wetland (EV) to build 119,354 square feet (2.74 acres) of Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'22", Longitude: -76°15'45") all for purpose of providing wetland mitigation for the Elevation Well Pad.

E5729-054: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY, 14845 Cherry Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

1. a temporary road crossing using a timber mat bridge and a 16 inch diameter gathering line impacting 202 linear feet of an unnamed tributary of Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'17"N, 76°25'07"W);

2. a 16 inch diameter gathering line impacting 532 square feet of a palustrine emergent (PEM) (Dushore, PA Quadrangle 41°31'30"N, 76°25'30"W);

3. a temporary road crossing using a timber mat bridge and a 16 inch diameter gathering line impacting 194 linear feet of an unnamed tributary of Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'32"N, 76°25'31"W);

4. a temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 3,051 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°31'50"N, 76°25'51"W);

5. a temporary road crossing using timber mats and a 16 inch diameter well line impacting 2,019 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°31'52"N, 76°25'48"W);

6. a temporary fill impacting 703 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°31'48"N, 76°25'56" W);

7. a temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 182 linear feet of an unnamed tributary of Lick Creek (EV) (Dushore, PA Quadrangle 41°31'56"N, 76°26'34"W);

8. a temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 197 linear feet of Lick Creek (EV) (Dushore, PA Quadrangle 41°31'56"N, 76°26'51"W);

9. a temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 197 linear feet of an unnamed tributary to Lick Creek (EV) (Dushore, PA Quadrangle 41°31'52"N, 76°27'18"W);

10. a temporary road crossing using timber mats and a 16 inch diameter gathering line impacting 4,894 square feet of an exceptional value palustrine emergent/scrub-shrub (EV-PEM/PSS) wetland (Dushore, PA Quadrangle 41°31'50"N, 76°27'26"W);

11. a 16 inch diameter gathering line impacting 263 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°31'50"N, 76°27'31"W).

The project will result in 11,462 square feet (0.26 acre) of temporary wetland impacts and 972 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County.

E5729-055: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY, 14845 Elkland and Forks Townships, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

1. a temporary road crossing using timber mats and a 6 inch diameter well line impacting 1,292 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°30'27"N, 76°36'24"W);

2. a temporary road crossing using a timber mat bridge and a 6 inch diameter well line impacting 121 linear feet of an unnamed tributary to the Little Loyalsock Creek (Overton, PA Quadrangle 41°30'20"N, 76°36'09"W);

The project will result in 1,292 square feet (0.03 acre) of temporary wetland impacts and 121 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Elkland and Forks Townships, Sullivan County.

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 # ESX13-131-0018
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 101 North Main Street
City, State, Zip Athens, PA 18810
County Wyoming County
Township(s) North Branch Township
Receiving Stream(s) and Classification(s) Miller Brook (CWF);
Secondary: North Branch Mehoopany Creek (CWF/MF)

ESCGP-1 # ESX13-015-0033
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Towanda Township
Receiving Stream(s) and Classification(s) UNT to Susquehanna River (WWF/Mf), UNT to Towanda Creek (CWF/MF)

ESCGP-1 # ESX13-117-0017
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga County
Township(s) Osceola Township
Receiving Stream(s) and Classification(s) Cowanesque River, Holden Creek, Trib. To Holden Creek (All WWF/MF);
Secondary: Tioga River (WWF)

ESCGP-1 # ESX13-115-0055
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Susquehanna County
Township(s) Auburn Township
Receiving Stream(s) and Classification(s) UNT to White Creek (CWF/MF), Riley Creek (CWF/MF)

ESCGP-1 # ESX13-015-0016 (01)
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Parkway E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Herrick Township
Receiving Stream(s) and Classification(s) UNTs to Camps Creek (CWF/MF) Camp Creek Drains to Wyalusing Creek

ESCGP-1 # ESX12-115-0188 (01)

Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 2000 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna County
 Township(s) Lenox Township
 Receiving Stream(s) and Classification(s) UNT to Millard
 Creek (CWF/MF)

ESCGP-1 # ESX12-115-0218 (01)

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) Franklin Township
 Receiving Stream(s) and Classification(s) UNT to Beaver
 Creek (HQ-CWF/MF)

ESCGP-1 # ESG13-115-0058

Applicant Name Angelina Gathering Company, LLC
 Contact Person Danny Spaulding
 Address 2350 N. Sam Houston Parkway E., Suite 125
 City, State, Zip Houston, TX 77032
 County Susquehanna County
 Township(s) New Milford Township
 Receiving Stream(s) and Classification(s) Beaver Creek
 (HQ-CWF/MF), Martins Creek (CWF/MF) and UNTs
 thereto.

ESCGP-1 # ESX13-115-0023 (01)

Applicant Name Chief Oil & Gas, LLC
 Contact Person Jeffrey Deegan
 Address 6051 Wallace Road Ext., Suite 300
 City, State, Zip Wexford, PA 15090
 County Susquehanna County
 Township(s) Springfield Township
 Receiving Stream(s) and Classification(s) UNT to White
 Creek (CWF-MF, Thomas Creek (CWF/MF))

ESCGP-1 # ESX12-115-0145 (03)

Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 2000 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna County
 Township(s) Bridgewater Township
 Receiving Stream(s) and Classification(s) West Branch
 Wyalusing Creek and tributaries thereto (CWF/MF)

ESCGP-1 # ESX11-015-0096 (01)

Applicant Name Talisman Energy USA, Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Wells Township
 Receiving Stream(s) and Classification(s) Beckwith Creek
 #30973, UNT to Beckwith Creek (Both CWF/MF);
 Secondary: Seeley Creek (CWF/MF)

ESCGP-1 # ESX12-115-0149 (01)

Applicant Name Williams Field Services Company, LLC
 Contact Person Sandra Lojek
 Address 2000 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna County
 Township(s) Harford Township
 Receiving Stream(s) and Classification(s) UNTs to Nine
 Partners Creek (CWF/MF)

ESCGP-1 # ESX12-081-0105 (02)

Applicant Name PVR Marcellus Gas Gathering, LLC
 Contact Person Kevin Roberts
 Address 101 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Lewis and Cogan House Townships
 Receiving Stream(s) and Classification(s) Daugherty Run,
 Hoagland Run (HQ);
 Secondary: Lycoming Creek (EV)

ESCGP-1 # ESX13-115-0056

Applicant Name Carrizo (Marcellus), LLC
 Contact Person Gary Byron
 Address 251 Drain Lick Road
 City, State, Zip Drifting, PA 16834
 County Susquehanna County
 Township(s) Bridgewater and Jessup Townships
 Receiving Stream(s) and Classification(s) East Branch
 Wyalusing Creek, Beebe Creek, and Tribs. thereto
 (CWF/MF), UNTs to Pettis Creek (WWF/MF)

ESCGP-1 # ESG13-081-0026

Applicant Name Range Resources Appalachia, LLC
 Contact Person Mary Patton
 Address 100 Throckmorton Street, Suite 1200
 City, State, Zip FT. Worth, TX 76102
 County Lycoming County
 Township(s) Cogan House Township
 Receiving Stream(s) and Classification(s) Packhorse
 Creek, Deep Hollow (EV);
 Secondary: Pine Creek, Lycoming Creek (EV)

ESCGP-1 # ESG13-081-0025

Applicant Name Range Resources Appalachia, LLC
 Contact Person Mary Patton
 Address 100 Throckmorton Street, Suite 1200
 City, State, Zip FT. Worth, TX 76102
 County Lycoming County
 Township(s) Cogan House Township
 Receiving Stream(s) and Classification(s) Packhorse
 Creek (EV);
 Secondary: Pine Creek (EV)

ESCGP-1 # ESX13-115-0052

Applicant Name Appalachia Midstream Services, LLC
 Contact Person Randy DeLaune
 Address 100 IST Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna County
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) White Creek,
 Baker Creek, Riley Creek and Tribs thereto (All
 CWF/MF)

ESCGP-1 # ESG13-081-0024

Applicant Name Range Resources Appalachia, LLC
 Contact Person Mary Patton
 Address 100 Throckmorton Street, Suite 1200
 City, State, Zip FT. Worth, TX 76102
 County Lycoming County
 Township(s) Cogan House Township
 Receiving Stream(s) and Classification(s) UNT to Deep
 Hollow (HQ/CWF);
 Secondary: Lycoming Creek (EV)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
11138001	Peoples Natural Gas Company, LLC. 1201 Pitt Street Pittsburgh, PA 15221	Cambria	Lower Yoder Township, West Taylor Township, Middle Taylor Township, and Jackson Township	St. Clair Run (CWF), Strayer Run (CWF), Conemaugh River (WWF), Laurel Run (HQ-CWF), and Wild Cat Run (HQ-CWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX12-019-0166A—West Pad 23
Applicant PennEnergy Resources
Contact Robert Crissinger
Address 1000 Commerce Drive
City Pittsburgh State PA Zip Code 15275
County Butler Township(s) Winfield(s)
Receiving Stream(s) and Classification(s) UNT to Buffalo Creek, HQ-TSF

ESCGP-1 #ESX12-019-0141A—Forward Compressor Station—Major Modification
Applicant Mountain Gathering
Contact Mr. Dewey Chalos
Address 810 Houston Street
City Fort Worth State TX Zip Code 76102
County Butler Township(s) Connoquenessing and Forward Townships(s)
Receiving Stream(s) and Classification(s) Unnamed Trib. To Connoquenessing Creek

ESCGP-1 #ESG13-053-0005—WT 2993 Meter Pad
Applicant SWEPI LP
Contact Jason Shoemaker
Address 2100 Georgetown Drive, Suite 400
City Sewickley State PA Zip Code 15143
County Forest Township(s) Howe(s)
Receiving Stream(s) and Classification(s) UNT to West Branch Bluejay Creek (HQ) UNT to Rocky Run

ESCGP-1 #ESX13-019-0028—Perry to Burgh Pipeline
Applicant MarkWest Liberty Bluestone, LLC
Contact Rick Lowry
Address 601 Technology Drive, Suite 300
City Canonsburg State PA Zip Code 15317-5834
Counties Butler and Lawrence Township(s) Lancaster, Muddy Creek, & Perry(s)
Receiving Stream(s) and Classification(s) Camp Run (Trib to Connoquenessing) and UNT to Little Yellow Creek (Trib to Little Connoquenessing) WWF CWF, Connoquenessing Creek & Little Connoquenessing Creek

Southwestern Region: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh PA 15222

5/6/13
ESCGP-2 # ESX13-125-0009
Applicant Name CNX Gas Company, LLC
Contact Person Tara Meek
Address 200 Evergreene Drive
City, State, Zip Waynesburg, PA 15370
County Washington
Township(s) Morris
Receiving Stream(s) and Classification(s) UNT to Tenmile Creek(TSF)/Monongahela River, UNT to Crafts Creek (TSF)/Monongahela River

3/25/2013
ESCGP-2 # ESX13-125-0028
Applicant Name Range Resources—Appalachia, LLC

Contact Person Glenn D. Truzzi
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Somerset
Receiving Stream(s) and Classification(s) UNTs to N Branch Pigeon Creek & N Branch Pigeon Creek/
Middle Monongahela River Watershed—WWF

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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 which 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.

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 115-21286-00-00
Well Farm Name Tonya East 5H
Applicant Name: Southwestern Energy Prod Co.
Contact Person: John R. Nicholas
Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
County: Susquehanna
Municipality New Milford Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Great Ben, PA-NY, Deacon Brook

Well Permit #: 015-22656-00-00
 Well Farm Name Lucy N BRA 8H
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Eric Haskins
 Address: 101 North Main Street, Athens, PA 18810
 County: Bradford
 Municipality Monroe Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Monroeton, Unnamed tributaries to South Branch, Towanda Creek and unnamed tributaries to Towanda Creek.

Well Permit #: 015-22657-00-00
 Well Farm Name Lucy S BRA 8H
 Applicant Name: Chesapeake Appalachia, LLC.
 Contact Person: Eric Haskins
 Address: 101 North Main Street, Athens, PA 18810
 County: Bradford
 Municipality Monroe Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Monroeton, Unnamed tributaries to South Branch, Towanda Creek and unnamed tributaries to Towanda Creek.

Well Permit #: 117-20716-00-00
 Well Farm Name Granger 853 3H
 Applicant Name: Ultra Resources, Inc.
 Contact Person: Florence Hardesty
 Address: 304 Inverness Way S, Ste 295, Englewood, CO 80112

County: Tioga
 Municipality Gaines Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Marshlands, Bloody Run into Madison Hollow and Elk Run.

Well Permit #: 019-22046-00-00
 Well Farm Name Ceaser Unit 1H
 Applicant Name: R. E. Gas Development, LLC.
 Contact Person: Suzanne Reynolds
 Address: 476 Rolling Ridge Drive, Suite 300, State College, PA 16801
 County: Butler
 Municipality Muddy Creek Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Prospect, Yellow Creek.

Well Permit #: 019-22050-00-00
 Well Farm Name Ceaser Unit 2H
 Applicant Name: R. E. Gas Development, LLC.
 Contact Person: Suzanne Reynolds
 Address: 476 Rolling Ridge Drive, Suite 300, State College, PA 16801
 County: Butler
 Municipality Muddy Creek Township:
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Prospect, Yellow Creek.

STORAGE TANKS

SITE-SPECTIFIC 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.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
13-39-009	Allentown Terminals Corp. P. O. Box 2621 Harrisburg, PA 17015-2621 Attn: Stephen Carten	Lehigh	City of Allentown	1 AST storing gasoline, ethanol, or distillates	2,665,000 gallons

[Pa.B. Doc. No. 13-1163. Filed for public inspection June 28, 2013, 9:00 a.m.]

Pennsylvania Sewage Advisory Committee Meeting Cancellation

The Pennsylvania Sewage Advisory Committee (Committee) meeting scheduled for July 10, 2013, has been cancelled. The next meeting is scheduled for November 6, 2013, at 10:30 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee can be directed to John Diehl at (717) 783-2941 or jdiehl@pa.gov. The agenda and meeting materials for the November 6, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web

site at <http://www.state.pa.us> (select "Public Participation") prior to the meeting date.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1164. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Blair County

Proposals are invited to provide the Department of General Services with 3,389 usable square feet of office space for the Department of Agriculture in Martinsburg Borough, Blair County, and downtown areas. For more information on SFP No. 94490, which is due on Friday, August 2, 2013, visit www.dgs.state.pa.us or contact Kathleen Butler at (717) 787-7412.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-1165. Filed for public inspection June 28, 2013, 9:00 a.m.]

Lease Office Space to the Commonwealth Luzerne County

Proposals are invited to provide the Department of General Services with 2,318 usable square feet of office space for the Pennsylvania State Employees' Retirement System in Luzerne County. For more information on SFP No. 94489, which is due on Thursday, July 25, 2013, visit www.dgs.state.pa.us or contact David Weyandt at (717) 525-5255.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-1166. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Planning Group Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, July 17, 2013, and Thursday, July 18, 2013, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1167. Filed for public inspection June 28, 2013, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Chapel Pointe at Carlisle
770 South Hanover Street
Carlisle, PA 17013

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1168. Filed for public inspection June 28, 2013, 9:00 a.m.]

Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold a public meeting on Friday, July 19, 2013, from 10 a.m. to 1 p.m. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Carolyn S. Cass, Director, (717) 772-2762. For speech and/or hearing impaired persons call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1169. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is announcing its intent to establish a new class of disproportionate share hospital (DSH) payments for certain Medical Assistance (MA) acute care general hospitals (hospitals) which participate in an academic medical program to ensure their continued participation in the MA Program. This payment is intended to promote access to inpatient hospital specialty services for MA eligible persons in less urbanized areas of this Commonwealth by providing support for the medical education and operations of an academic medical program, which will foster an adequate supply of health care professionals to treat the MA population. The Department intends to allocate funding for this additional class of DSH payments to qualifying hospitals for Fiscal Year (FY) 2012-2013.

The Department will determine a hospital eligible for this additional class of DSH payments if the hospital meets the following criteria:

1. The hospital is enrolled in the MA Program as a general acute care hospital and is licensed to provide inpatient obstetrical and neonatal services as reported by the Department of Health for the period of July 1, 2010, through June 30, 2011.

2. Effective October 1, 2012, the hospital is accredited as a Level III Trauma Center by the Pennsylvania Trauma Systems Foundation.

3. The hospital provides a minimum of 50,000 total hospital inpatient days of care, of which more than 7,500 are for MA inpatient days of care based on the hospital's MA Cost Report (MA 336) for State FY 2009-2010.

4. The hospital's ratio of uncompensated care to net patient revenue exceeds 4.4%, based on the Health Care Cost Containment Council's Financial Analysis 2011, Volume One.

The Department will divide the total payment proportionately among all qualifying hospitals based on each hospital's total MA inpatient days to total MA inpatient days for all qualifying hospitals.

Fiscal Impact

The FY 2012-2013 impact, as a result of the funding allocation for this payment is \$4.374 million (\$2.000 million in State general funds and \$2.374 million in Federal funds upon approval by the Centers for Medicare and Medicaid Services).

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. The Department will consider all comments received within 30 days of this notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-833. (1) General Fund; (2) Implementing Year 2012-13 is \$2,000,000; (3) 1st Succeeding Year 2013-14 is \$2,000,000; 2nd Succeeding Year 2014-15 is \$0; 3rd Succeeding Year 2015-16 is \$0; 4th Succeeding Year 2016-17 is \$0; 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$12,618,000; 2010-11 Program—\$18,871,000; 2009-10 Program—\$20,140,000; (7) MA—Academic Medical Centers; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1170. Filed for public inspection June 28, 2013, 9:00 a.m.]

Emergency Department and Outpatient Access Payments

The Department of Public Welfare (Department) is announcing its intent to continue paying the emergency department and outpatient access payments that were initially authorized effective January 1, 2009.

Background

On July 4, 2008, the General Assembly enacted Article VIII-E of the Public Welfare Code (62 P. S. §§ 801-E—808-E) to authorize the City of Philadelphia to impose, by ordinance, a monetary assessment on the non-Medicare net operating revenue of acute care general hospitals located in the city. This Hospital Assessment Program (Program) was developed to generate additional revenue to fund Medical Assistance (MA) expenditures for hospital outpatient and emergency department services in Philadelphia. The Program also provided additional funding to support the city's public health clinics. The Program was implemented effective January 1, 2009, after receiving the Centers for Medicare and Medicaid Services (CMS) approval for both the assessment and the emergency department and outpatient access payments. The Program was authorized for a 4 1/2-year period which ends effective June 30, 2013, if not reauthorized. The Department, the City of Philadelphia and the hospital community are seeking to reauthorize this Program beyond June 30, 2013.

Continuation of the Hospital Assessment Program

The Department intends to continue the emergency department and outpatient access payments for an additional 3-year period beginning July 1, 2013, contingent upon CMS approval. If the assessment is approved, the Department does not intend to change its approved State Plan provisions addressing the qualifying criteria or payment methodology for the emergency department and outpatient access payment program.

Fiscal Impact

The Fiscal Year 2013-2014 impact, as a result of these payments, is \$160.904 million (\$74.482 million in State general funds and \$86.422 million in Federal funds upon approval by CMS).

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Public Welfare, Office of Medical Assistance Programs, Attention, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-832. (1) General Fund; (2) Implementing Year 2012-13 is \$0; (3) 1st Succeeding Year 2013-14 is \$74,482,000; 2nd Succeeding Year 2014-15 is \$75,042,000; 3rd Succeeding Year 2015-16 is \$75,042,000; 4th Succeeding Year 2016-17 is \$0; 5th Succeeding Year 2017-18 is \$0; (4) 2011-12 Program—\$645,095,000; 2010-11 Program—\$467,929,000; 2009-10 Program—\$435,939,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1171. Filed for public inspection June 28, 2013, 9:00 a.m.]

Inpatient Hospital Services

The Department of Public Welfare (Department) is announcing its intent to continue its Medical Assistance (MA) payment methodology for inpatient hospital services provided on a fee-for-service basis in acute care general hospitals, which was adopted with an effective date of July 1, 2010. The Department is also announcing its intent to establish an observation rate for hospital cases for which an inpatient admission is not medically necessary but medical observation of a patient is required.

Background

Effective July 1, 2010, the Department revised its fee-for-service payment methodology for inpatient hospital services provided in an acute care general hospital for the MA Program. The new methodology included adoption of the All Patient Refined-Diagnosis Related Groups (APR-DRG) patient classification system, implementation of APR-DRG relative weights based on relative weights developed by the New York Medicaid program, adoption of a new methodology for calculating acute care hospitals' base payment rates, revision of the Department's outlier payment policy and adoption of a case-mix monitoring process. The Department implemented a second change to its outlier policy by adoption of a low cost outlier policy effective July 1, 2011.

The revised payment methodology was implemented for an initial 3-year period which will end June 30, 2013, unless reauthorized. With this notice, the Department is announcing its intent to continue this payment methodology beyond June 30, 2013, subject to legislative authorization.

Proposed Changes

The Department is proposing no changes to the payment methodology for inpatient acute care services under the fee-for-service program at this time and is only proposing to continue the current methodology. Therefore, for acute care general hospitals, the Department will continue to use the same patient classification system, relative weights, base payment rates, outlier policies and monitoring process currently in place. The Department intends to modify its State Plan to remove the June 30, 2013, end date for the payment methodology for inpatient acute care services, to add case-mix index target ranges for subsequent fiscal years and to clarify the language in

the State Plan describing the case mix monitoring process. The Department is not proposing the implementation of any substantive change to the payment methodology.

Payment for Observation Services

The Department is considering the establishment of an observation rate for hospital cases for which an inpatient admission is not medically necessary but medical observation of a patient is required. The Department is currently considering developing criteria under which observation services provided by a hospital may be compensable under the MA Program. The Department intends to establish a comprehensive rate to cover observation services determined to be compensable under the Program.

Fiscal Impact

This change will result in an estimated annual payment of \$161.588 million in total funds (\$74.789 million in State funds) in Fiscal Year 2013-2014.

Public Comment

Interested persons are invited to submit written comments regarding these proposed changes to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-830. (1) General Fund; (2) Implementing Year 2013-14 is \$74,789,000; (3) 1st Succeeding Year 2014-15 is \$0; 2nd Succeeding Year 2015-16 is \$0; 3rd Succeeding Year 2016-17 is \$0; 4th Succeeding Year 2017-18 is \$0; 5th Succeeding Year 2018-19 is \$0; (4) 2012-13 Program—\$204,667,000; 2011-12 Program—\$325,685,000; 2010-11 Program—\$243,809,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1172. Filed for public inspection June 28, 2013, 9:00 a.m.]

Nursing Facility Assessment Program for Fiscal Year 2013-2014

This notice announces the proposed assessment amount, the proposed assessment methodology and the estimated aggregate impact on nursing facilities that will be subject to the assessment under the Nursing Facility Assessment Program beginning Fiscal Year (FY) 2013-2014.

Background

Article VIII-A of the Public Welfare Code (code) (62 P. S. §§ 801-A—815-A) authorizes the Department of Public Welfare (Department) to impose an annual monetary assessment on nonpublic and county nursing facilities in this Commonwealth each fiscal year. Under Article VIII-A of the code, the Department may impose the assessment only to the extent that the assessment revenues qualify as the State share of Medical Assistance (MA) Program expenditures eligible for Federal financial participation

(FFP). See 62 P.S. § 803-A. To ensure receipt of FFP, Article VIII-A of the code requires the Department to seek a waiver from the Federal Centers for Medicare and Medicaid Services (CMS) if necessary to implement the Assessment Program. See 62 P.S. § 812-A. For FY 2013-2014, the Department will submit a request to CMS for an amendment to the Assessment Program. The implementation of the changes to the Assessment Program is contingent on CMS's approval of the request.

For each fiscal year that the Assessment Program is implemented, the code authorizes the Secretary of the Department (Secretary) to determine the aggregate amount of the assessment and the annual assessment rate in consultation with the Secretary of the Budget. See 62 P.S. § 804-A. The code specifies that annual assessment rates must be sufficient to generate at least \$50 million in additional revenue, but not more than the maximum aggregate assessment amount that qualifies for FFP. See 62 P.S. § 805-A.

The Secretary must publish a notice in the *Pennsylvania Bulletin* before imposing an annual assessment for a fiscal year. The notice must specify the amount of the assessment being proposed, explain the proposed assessment methodology, identify the estimated assessment amount and aggregate impact on nursing facilities subject to the assessment and provide interested persons a 30-day period to comment. See 62 P.S. § 805-A.

This notice announces the assessment amounts,¹ rates and methodology that the Department is proposing to implement in FY 2013-2014 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2013-2014.

Proposed Assessment Methodology and Rates

During FY 2013-2014, the Department is proposing to maintain the same assessment methodology that was used in FY 2012-2013.

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2013-2014:

- (1) State-owned and operated nursing facilities.
- (2) Veteran's Administration nursing facilities.
- (3) Nursing facilities that have not been licensed and operated by the current or previous owner for the full calendar quarter prior to the calendar quarter in which an assessment is collected.
- (4) Nursing facilities that provide nursing facility services free of charge to all residents.

Under the proposed rate structure, the Department will assess nonexempt nursing facilities at two rates. One rate will apply to three categories of nursing facilities: county nursing facilities; nursing facilities that have 50 or fewer licensed beds; and certain Continuing Care Retirement Community (CCRC) nursing facilities. See 40 Pa.B. 7297 (December 18, 2010). The other rate will apply to all other nonexempt facilities, including nursing facilities that began participation in a CCRC on or after July 1, 2010. Using the applicable rate, the Department will calculate each nonexempt facility's quarterly assessment amount by multiplying its assessment rate by the facility's non-Medicare resident days during the calendar quarter that immediately preceded the assessment quarter.

¹ These amounts are based on the level of funding in the Governor's proposed Executive Budget.

The Department also proposes to increase the assessment rates for nonexempt nursing facilities from the rates in FY 2012-2013. The proposed assessment rates for FY 2013-2014 are as follows:

(1) For county nursing facilities, for nursing facilities that have 50 or fewer licensed beds, and for grandfathered CCRC nursing facilities, the assessment rate will be \$8.32 per non-Medicare resident day.

(2) For all other nonexempt nursing facilities, the assessment rate will be \$29.77 per non-Medicare resident day.

Aggregate Assessment Amounts and Fiscal Impact

The Department estimates that if the proposed assessment rates are implemented the annual aggregate assessment fees for nonexempt nursing facilities will total \$472.469 million. The Department will use the State revenue derived from the assessment fees and any associated FFP to support payments to qualified MA nursing facility providers in accordance with applicable laws and regulations.

Public Comment

Interested persons are invited to submit written comments regarding the contents of this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17106-8025. Comments must be submitted within 30 days of publication of the notice. See 62 P.S. § 805-A. After considering the comments, the Secretary will publish a second notice announcing the final assessment rates for FY 2013-2014. The Department will not begin collecting assessment fees until after the publication of the final assessment rate notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-826. No fiscal impact; (8) recommends adoption. Enactment is expected to generate \$472,469,000 in State revenue.

[Pa.B. Doc. No. 13-1173. Filed for public inspection June 28, 2013, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates; Budget Adjustment Factor

The Department of Public Welfare (Department) is announcing its intent to revise the Medical Assistance (MA) payment methodology and standards for payment of MA nursing facility services in Fiscal Year (FY) 2013-2014 to authorize the continued use of a budget adjustment factor (BAF) in setting payment rates for nursing facility services.

Background

Since 1996, the Department has used a case-mix prospective payment methodology to set per diem rate payments for MA nursing facility providers. One of the reasons the Department adopted this payment methodol-

ogy was that the prior retrospective cost-based payment system had proven to be “highly inflationary” and change was necessary to curb an “explosive growth of nursing facility expenditures.” See 25 Pa.B. 4477 (October 14, 1995). In 2006, the Department noted that “since the case-mix payment system was implemented in 1996, MA nursing facility payment rates have risen more than 56% and, since 2000, have increased by 27.4% overall. During this same period, expenditures for MA nursing facility services have grown to nearly \$3 billion and expenditures for MA services to the elderly and disabled now consume approximately 70% of the \$14 billion MA Program budget.” See 36 Pa.B. 3207 (June 24, 2006).

Realizing that the MA Program could not continue to sustain the pace at which long-term care expenditures were growing, the Department amended the Commonwealth’s Title XIX State Plan and issued regulations changing the case-mix payment methodology effective July 1, 2005, to include use of a BAF in annual rate-setting. See 35 Pa.B. 6232 (November 12, 2005). Application of a BAF was continued in 2007, 2008 and again in 2011. See the act of June 30, 2011 (P. L. 89, No. 22), the act of July 8, 2008 (P. L. 557, No. 44) and the act of June 30, 2011 (P. L. 89, No. 22).

Since the implementation of the BAF, case-mix per diem rates have increased on an annual average basis by \$3.45 per day and in the aggregate by 16.62% overall from FY 2004-2005 through FY 2012-2013. In contrast, had the BAF not been used, rates would have increased on an annual average basis by \$7.22 per day and overall by 34.76%, well in excess of either the Consumer Price Index or the Federal Centers for Medicare and Medicaid Services (CMS) Nursing Home without Capital Market Basket Index.

Under section 443.1(7)(iv) of the Public Welfare Code (62 P. S. § 443.1(7)(iv)), the current statutory provision mandating use of the BAF expires June 30, 2013. Because it would be fiscally irresponsible to revert to a payment methodology that produces unsustainable rate increases, particularly given current economic conditions, the Department is proposing and expects that the General Assembly will enact legislation to continue the use of a BAF in FY 2013-2014, subject to CMS approval. Use of a BAF has assured, and will continue to assure, that payments to nursing facilities under the MA Program are consistent with efficiency and economy.

Further, during the past 7 years the BAF has been in place, the Department has uncovered no evidence that the quality of care in this Commonwealth’s MA nursing facilities has been adversely impacted by use of the BAF. To the contrary, MA nursing facility providers continue to deliver a high quality of care. The Department does not expect the quality of care to decline in FY 2013-2014, and will continue our enforcement and monitoring activities to ensure that is the case.

In addition, although the BAF has served to moderate the overall aggregate increases in case-mix per diem rates, the adjusted case-mix per diem rate payments, together with the other supplemental payments to nursing facilities authorized under the Commonwealth’s approved State Plan, have been and will continue to be sufficient to assure that MA recipients have equal access to medically necessary nursing facility services. The vast majority of licensed nursing facilities in this Commonwealth participate as providers in the MA Program, and the MA Program pays for more days of nursing facility

care than all other payors combined. The Department does not expect this to change if the BAF continues in FY 2013-2014.

Proposed BAF Methodology for FY 2013-2014

As previously noted, the Department intends to submit a State Plan Amendment (SPA) to the CMS to continue use of the BAF. Under the proposed SPA, the Department will apply a BAF and make adjustments to nonpublic nursing facility and county nursing facility payment rates in FY 2013-2014. As in prior years, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

Nonpublic Nursing Facilities

From July 1, 2005, through June 30, 2011, the Department calculated one BAF each rate-setting year and applied that BAF to the nursing facility payment rates in effect for the rate-setting year. For the FY 2011-2012, the nursing facility industry requested and the Department responded by calculating a BAF each quarter of the FY for nonpublic nursing facilities instead of calculating one BAF for the fiscal year. For the FY 2012-2013, the Department returned to a formula very similar to the formula used in FYs 2009-2010 and 2010-2011 which allowed for an adjustment in the fourth quarter if certain conditions were met. See 39 Pa.B. 4958 (August 15, 2009). The Department is proposing to calculate the BAF in FY 2013-2014 for nonpublic nursing facilities as follows:

Nonpublic Nursing Facilities’ BAF Determination

Base BAF Formula—Prior to establishing the July rate for the rate year, the Department will use the following formula to determine the base BAF:

Target rate divided by the acuity-adjusted weighted average rate equals the base BAF.

If the base BAF as calculated is greater than 1.0, the base BAF will equal 1.0.

April BAF Formula—Prior to establishing the April rate for the rate year, the Department will use the following formula to determine the April BAF:

The weighted average April rate will be compared to the April target rate. If the difference between the weighted average April rate and the April target rate is \$0.25 or more, the formula for the April BAF will be the April target rate divided by the weighted average April rate at 100% equals the April BAF. Otherwise, the April BAF is equal to the base BAF.

Terms Related to the BAF Determination

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

Acuity-adjusted weighted average rate—The weighted average July rate at 100% adjusted by the acuity factor.

Acuity factor—The percentage of change from the July rate to the October, January and April rates representing the estimated quarterly change in payments for the nonpublic nursing facilities. (See 55 Pa. Code § 1187.95(b) (relating to general principles for rate and price setting).)

April BAF—The BAF applied to each nonpublic nursing facility’s April rate.

April target rate—The rate year's Statewide day-weighted average April rate needed to meet the rate year target rate.

Base BAF—The BAF applied to each nonpublic nursing facility's July, October and January rates.

Base days—The source of days for the day-weighted calculation used in determining the base rate, the weighted average April rate at 100% and the weighted average July rate at 100%. For FY 2013-2014, the base days are the sum of each nonpublic nursing facility's paid facility days, therapeutic leave days and 1/3 of the paid hospital bed reserve days from the PROMISE data file used to determine the June 30, 2012, disproportionate share payments.

Base rate—The base rate is the prior year's annual target rate.

Target rate—The base rate multiplied by one plus the percentage rate of change permitted by the funds appropriated by the General Appropriations Act for the applicable rate year.

Weighted average April rate—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 (relating to nursing facility services), calculated using base days and the base BAF.

Weighted average April rate at 100%—The Statewide day-weighted average of the nonpublic nursing facilities' April rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 calculated using base days, prior to application of a BAF.

Weighted average July rate at 100%—The Statewide day-weighted average of the nonpublic nursing facilities' July rates for the applicable rate year determined in accordance with 55 Pa. Code Chapter 1187 calculated using base days prior to application of the base BAF.

County Nursing Facilities

Under the proposed SPA, the Department will continue to calculate and apply the BAF to county nursing facility payment rates as it has in prior rate-setting years. Specifically, the Department will adjust each county nursing facility's per diem rate by multiplying the rate by a BAF. A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2012, per diem rate as calculated under 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting) and 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities) multiplied by the county BAF.

Use of the calculations previously described is contingent upon the approval by CMS of the SPA.

Fiscal Impact

No fiscal impact is anticipated as a result of these changes through June 30, 2014. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. Therefore, until a budget bill is passed and enacted, any estimated fiscal impact associated with this notice is solely based on the funding levels as proposed in the Governor's Executive Budget.

Public Comment

Interested persons are invited to submit written comments regarding the BAF formulas to the Department of Public Welfare, Office of Long-Term Living, Bureau of

Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17106-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-831. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-1174. Filed for public inspection June 28, 2013, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County Nursing Facilities; Change in Methods and Standards of Setting Payment Rates; Pay for Performance

The Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services for qualified county nursing facilities for Fiscal Year (FY) 2013-2014.

Background

For FY 2006-2007 through 2012-2013 the Department provided pay for performance incentive payments to qualified county nursing facilities. The qualifying criteria and formula used to determine those payments is in the Commonwealth's approved State Plan.

The Department intends to continue the pay for performance incentive payments to qualifying county nursing facilities for FY 2013-2014. To qualify for these payments, a county nursing facility must be a county nursing facility at the time of payment and its MA case-mix index (CMI) for the picture date within the pay for performance payment period must be higher than its facility MA CMI for the previous picture date. To determine the payments, the Department will ascertain the total quarterly funds available for the performance incentive payments and divide that amount by the total MA days for all county nursing facilities meeting the qualifying criteria. The MA days used for each county nursing facility will be the paid MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share payments.

To authorize the continuation of the payments for FY 2013-2014 the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

Contingent upon the approval by CMS of the SPA, the Department will continue pay for performance incentive payments to qualified county nursing facilities for FY 2013-2014. The payments will be made quarterly to qualified county nursing facilities according to the criteria and formula in the Commonwealth's approved State Plan.

Fiscal Impact

The payments are estimated to cost the Department \$6.500 million (\$3.009 million in State funds) in FY 2013-2014.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17106-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-827. (1) General Fund; (2) Implementing Year 2013-14 is \$3,009,000; (3) 1st Succeeding Year 2014-15 is \$0; 2nd Succeeding Year 2015-16 is \$0; 3rd Succeeding Year 2016-17 is \$0; 4th Succeeding Year 2017-18 is \$0; 5th Succeeding Year 2018-19 is \$0; (4) 2012-13 Program—\$765,923,000; 2011-12 Program—\$737,356,000; 2010-11 Program—\$728,907,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1175. Filed for public inspection June 28, 2013, 9:00 a.m.]

Payment for Nursing Facility Services Provided by County Nursing Facilities; Medical Assistance Day One Incentive Payments to County Nursing Facilities for Fiscal Year 2013-2014

This announcement provides advance notice that the Department of Public Welfare (Department) intends to continue to make Medical Assistance Day One Incentive (MDOI) payments to qualified county nursing facilities through Fiscal Year (FY) 2013-2014.

Background

The Department instituted the MDOI payments in FY 2006-2007 to encourage county nursing facilities to continue to provide services to individuals who are Medical Assistance (MA) eligible on the day of admission.

For FYs 2006-2007 through 2012-2013, the Department provided MDOI payments to qualified county nursing facilities. The qualifying criteria and formula used to determine these payments, as set forth in the Commonwealth's approved State Plan, are as follows:

To qualify for MDOI payments, the nursing facility must be a county nursing facility both during the entire quarter for which the MDOI installment payment is being made and at the time the MDOI installment payment is made.

The Department will calculate each qualified county nursing facility's MDOI quarterly installment payment based on the following formula:

(i) The total funds allocated for the MDOI payments for the rate year will be divided by the total MA days for all county nursing facilities to determine the MDOI per diem for the rate year. The total MA days used for each county nursing facility will be the MA days identified on the most recent PROMISE data file used to determine the facility's eligibility for disproportionate share incentive payments.

(ii) The MDOI per diem for the rate year will be multiplied by each qualified county nursing facility's paid

MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share incentive payments, to determine its annual MDOI amount.

(iii) Each qualified county nursing facility's annual MDOI amount will be divided by four to determine the facility's MDOI quarterly installment payments for the rate year.

The MDOI installment payments for each quarter of the rate year will be paid in the first month of the following quarter.

For FY 2013-2014, the Department intends to use a portion of the revenues generated from the FY 2013-2014 Nursing Facility Assessment Program (see section 815-A of the Public Welfare Code (62 P. S. § 815-A)) and public expenditures certified to the Department as the State share of the MDOI payments to qualified county nursing facilities. To authorize the continuance of the MDOI payments for FY 2013-2014, and the increase in the funding level for the MDOI payments for FY 2013-2014, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

If CMS approves the SPA, the Department will have the authority to continue to make MDOI payments to county nursing facilities for FY 2013-2014 and increase the funding level for the MDOI for FY 2013-2014.

The MDOI payments to county nursing facilities will provide incentives to county nursing facilities to provide services to individuals who are MA eligible on the day of admission. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to provide for the poor and indigent citizens of this Commonwealth.

Fiscal Impact

The estimated increase in annual aggregate expenditures during FY 2013-2014 is \$24.666 million in State funds.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17106-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-829. (1) General Fund; (2) Implementing Year 2013-14 is \$24,666,000; (3) 1st Succeeding Year 2014-15 is \$0; 2nd Succeeding Year 2015-16 is \$0; 3rd Succeeding Year 2016-17 is \$0; 4th Succeeding Year 2017-18 is \$0; 5th Succeeding Year 2018-19 is \$0; (4) 2012-13 Program—\$765,923,000; 2011-12 Program—\$737,356,000; 2010-11 Program—\$728,907,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1176. Filed for public inspection June 28, 2013, 9:00 a.m.]

Payments to Nonpublic and County Nursing Facilities; Proposed Rates for State Fiscal Year 2013-2014

This notice announces the Department of Public Welfare's (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2013-2014 for nonpublic and county nursing facilities that participate in the Medical Assistance (MA) Program.

Non public Nursing Facility Per Diem Rates

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set an annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative; and capital. For each quarter of FY 2013-2014, the Department will adjust the resident care component of each facility's rate by multiplying the resident care component by the facility's MA case-mix index for the appropriate picture date.

In calculating the proposed rates, the Department assumed that peer group prices for FY 2013-2014 will be set as specified in 55 Pa. Code § 1187.94 (relating to peer grouping for price setting) except that for facilities classified as special rehabilitation facilities on or before July 1, 2000, peer group medians and prices will be determined in accordance with the methodology described in the notice Payment for Nursing Facility Services Provided by Special Rehabilitation Nursing Facilities; Change in Methods and Standards of Setting Payment Rates, published at 41 Pa.B. 5826 (October 29, 2011). Further, the phase-in of the Resource Utilization Group III version 5.12 44 Grouper classification system has been fully implemented in the rate setting process as specified in 55 Pa. Code § 1187.96 (relating to price- and rate-setting computations).

In addition, in calculating the proposed rates, the Department assumed that the General Assembly will enact legislation authorizing the continued use of a budget adjustment factor (BAF) in setting MA payment rates for FY 2013-2014.¹ Upon reauthorization of the BAF, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2013-2014.

A detailed description of the BAF formulas for FY 2013-2014 is in the notice Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates, published at 43 Pa.B. 3583 (June 29, 2013). Under the proposed formula, the BAF will limit the estimated Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities so that the average payment rate in effect for the fiscal year is limited to the amount permitted by the funds appropriated by the General Appropriations Act for the fiscal year.

¹ The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2013-2014 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

Finally, in calculating the proposed rates, the Department assumed that the General Appropriation Act of 2013 will include the level of funding in the Governor's Executive Budget and that CMS will approve the SPA including the BAF formula for nonpublic nursing facilities.

County Nursing Facility Per Diem Rates

As required by the rate methodology set forth in 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting), the Department intends to set an annual MA per diem rate for each county nursing facility provider. As specified in 55 Pa. Code § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem multiplied by a BAF determined in accordance with the formula in the Commonwealth's approved State Plan. The Department will submit a SPA to CMS to include the BAF formula which the Department will use in FY 2013-2014. In calculating the proposed rates, the Department assumed that the General Assembly will enact legislation authorizing the continued use of a BAF in setting MA payment rates for FY 2013-2014, that the General Appropriation Act of 2013 will include the level of funding in the Governor's Executive Budget and that CMS will approve the SPA including the BAF formula for county nursing facilities.²

The proposed annual per diem rates for FY 2013-2014, the base BAF that will be applied to nonpublic nursing facility rates and the annual BAF that will be applied to county nursing facilities are available on the Department's web site at www.dpw.state.pa.us/provider/doingbusinesswithdpw/longtermcarecasemixinformation/index.htm and at local county assistance offices throughout this Commonwealth or by contacting Marilyn Yocum, Department of Public Welfare, Office of Long-Term Living at (717) 783-8412.

Fiscal Impact

If the proposed payment rates are adopted as final, the rates will result in an estimated increased cost of \$54.768 million (\$25.352 million in State funds) for per diem rate payments to nonpublic nursing facilities and an estimated increased cost of \$12.057 million (\$5.581 million in State funds) for per diem rate payments for county nursing facilities' FY 2013-2014 rates compared to the facilities' FY 2012-2013 per diem rates. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly in the forthcoming fiscal year. The Department assumed that funding for these changes will be included in the MA Long-Term Care appropriation.

Public Comment

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2013-2014 to the Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P. O. Box 8025, Harrisburg, PA 17106-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

² The Department will finalize the BAF once the General Assembly has enacted a General Appropriations Act for FY 2013-2014 and will include the BAF in its notice announcing final MA nursing facility payment rates for the rate-setting year.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-828. (1) General Fund; (2) Implementing Year 2013-14 is \$30,933,000; (3) 1st Succeeding Year 2014-15 is \$33,746,000; 2nd Succeeding Year 2015-16 is \$33,746,000; 3rd Succeeding Year 2016-17 is \$33,746,000; 4th Succeeding Year 2017-18 is \$33,746,000; 5th Succeeding Year 2018-19 is \$33,746,000; (4) 2012-13 Program—\$765,923,000; 2011-12 Program—\$737,356,000; 2010-11 Program—\$728,907,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-1177. Filed for public inspection June 28, 2013, 9:00 a.m.]

Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Services Management and the Community Intellectual Disability Base-Funded Program

The purpose of this notice is to announce the Department of Public Welfare's (Department) proposed Fee Schedule Rates for select services funded through the Consolidated and Person/Family Directed Support waivers (waivers), the Department-established fees for residential ineligible services and fee for Targeted Service Management (TSM) effective July 1, 2013. These proposed Fee Schedule Rates also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4104—4704), 55 Pa. Code Chapter 4300 (relating to county mental health and mental retardation fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services).

Fee Schedule Rates

As part of the Department's efforts to continue to align rates and rate-setting methodology across all offices and programs, the Department used a market-based approach to develop the Fee Schedule Rates. This process includes a review of the waiver 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 Fee Schedule Rates were established by the Department to fund the services at a level sufficient to provide access to services, encourage provider participation and promote provider choice, while at the same time ensuring participant health and welfare and fiscal accountability.

The Fee Schedule Rates are identified under the following categories: Select Community-Based Services and Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance.

The Select Community-Based Services include behavior support, companion, home and community habilitation unlicensed, homemaker/chore, licensed day habilitation (adult training), prevocational services, therapy (physical, occupational, speech and language, individual behavior therapy, group behavior therapy and visual/mobility), nursing, older adult day, supplemental habilitation, additional individualized staffing, supported employment, supports broker, supports coordination, transitional work and all waiver-funded respite care services, excluding respite camp which is a vendor service.

AWC/FMS (including and excluding benefit allowance) includes home and community habilitation (unlicensed), companion services, unlicensed in-home and out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS, one provides the fee schedule rate including a benefit allowance and the other provides the fee schedule rate excluding a benefit allowance. The benefit allowance is provided as an option for the managing employer to include benefits such as disability insurance, life insurance, retirement savings and paid time off to the support service worker.

In developing the proposed Fee Schedule Rates, the Department evaluated information from the following:

- The United States Bureau of Labor Statistics.
- Wages resulting from a Commonwealth-specific compensation study.
- Other independent data sources.

The Department considered the expected expenses for the delivery of services under the waivers for the following major allowable cost categories:

- Wages for direct care workers and other program staff, such as supervisors and program specialists, when applicable.
- Employee-related expenses for health insurance and other benefits, employer taxes, paid time off and training time.
- Productivity related to the amount of time a direct care staff person is expected to be engaged in activities for which a claim can be submitted.
- Program indirect expenses, including transportation-related costs.
- Administration-related expenses.

In addition to the cost categories previously outlined, the Department considered as part of the rate development process the impact of the Federal Patient Protection and Affordable Care Act (Pub. L. No. 111-148) (ACA) may have on provider costs to provide services. Under the ACA, employers with 50 or more full-time employees will be required, beginning January 1, 2014, to offer meaningful and affordable health insurance options to full-time employees. The ACA defines a full-time employee as an employee who on average works 30 or more hours per week. Because the Fee Schedule Rates for services delivered under the traditional agency model already include costs associated with employer-paid health care coverage and the Department has confirmed, after reviewing currently available information, that these rates are sufficient to cover any costs under the new ACA requirements, the Department has determined that it does not need to adjust the rates for services delivered under the traditional agency model as a result of the ACA.

Currently available information indicates that AWC/FMS providers will be subject to the same provisions of the ACA as traditional agency employers. This means that AWC support service workers who work full-time will be considered “full-time employees” of the AWC provider organization. Because the Fee Schedule Rates for AWC services did not include costs associated with employer-paid health care coverage, the Department adjusted the Fee Schedule Rates for AWC services to include consideration for costs associated with employer-paid health care coverage.

The proposed Fee Schedule Rates should be used to process claims submitted to the Provider Reimbursement and Operations Management Information System in electronic format (PROMISE™) for services provided until a notice announcing final Fee Schedule Rates is published.

Department-Established Fees

Similar to the process used to develop the Fee Schedule Rates, the Department-established fees for residential ineligible services were developed using a market-based pricing methodology. This process included a determination of allowable residential occupancy cost components which reflect costs that are reasonable and necessary to deliver the service.

The Department considered information from the United States Bureau of Labor Statistics, United States Department of Agriculture, responses from providers to a maintenance cost survey, as well as other independent data sources. Expected occupancy-related expenses for the following major allowable cost categories were considered:

- Operating-related costs, including occupancy and utility expenses.
- Maintenance and service agreement-related costs.
- Food and other individual-related occupancy expenses, such as household consumables.
- Administration-related expenses.

The Department-established fees represent a per-person, per-day net fee based on the size of the home (such as a one-individual home or two-individual home) and type of home (defined by licensed, unlicensed or family living home). The fee does not include consideration for payment by the participant, as it is the provider’s responsibility to collect that portion of payment from the participant. The Department used the following process to develop the proposed per-person, per-day net fees:

- Established gross fees (so that the fees do include consideration for participant contribution toward room and board) based on home size and type of home.
- Applied a standardized vacancy factor of 97% to the gross fees to reflect that providers do not bill for vacant days.
- Adjusted the gross fees by geographical area factors to reflect consideration for differences in costs observed across this Commonwealth. Refer to the following Geographic Areas section for additional information on the geographical areas.
- Adjusted the area-specific gross fees by subtracting the participant contribution toward room and board. The participant contribution amount removed from the area-specific gross fees will be equal to 72% of the sum of the

maximum supplemental security income amount for 2013 and the Commonwealth supplemental payment, converted to a daily amount.

The proposed Department-established fees for residential ineligible services were developed to fund the residential occupancy costs at a level sufficient to provide access to services, encourage provider participation and promote provider choice, while at the same time ensuring participant health and welfare and fiscal accountability.

The proposed Department-established fees should be used to process claims submitted to the PROMISE™ in electronic format for services provided until a notice announcing final Department-established fees is published.

Geographic Areas

After developing a single fee for each service, the Department adjusted each fee schedule rate and Department-established fee by geographical area factors to reflect consideration for differences in costs observed across this Commonwealth. Because stakeholders raised concerns regarding the changes in the geographic areas and factors made for Fiscal Year (FY) 2012-2013, the Department reviewed the most recently available (2011) United States Bureau of Labor Statistics Commonwealth-specific wage data for the applicable occupations in concert with 2010 wage data. Based on this review, the Department concluded that there was no need to change the three areas and area factors for FY 2013-2014. The geographic areas are as follows:

Area 1: Adams, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, Perry, Philadelphia, York

Area 2: Allegheny, Berks, Bucks, Chester, Franklin, Fulton

Area 3: Armstrong, Beaver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Mifflin, Monroe, Montour, Northumberland, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming

TSM Fee

TSM is provided under the State Plan to eligible Medical Assistance (MA) recipients. This service is provided consistent with the supports coordination service definition. The supports coordination MA fee identified in the fee schedule rate chart is also applicable to TSM.

Fee Schedule Rates and Department-Established Fees Tables: Effective July 1, 2013

Modifier ET must be used with applicable procedure codes when billing for temporary Base-funded services.

The supports coordination MA fee identified as follows and billed with procedure code W7210 is also applicable to TSM and base funded supports coordination.

Prior authorization must be obtained from the Department for services denoted by (PA) in the service row in the following table.

Fee Schedule Rates

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Nursing Services: LPN	T2025	TE	05	051	15 min.	\$11.36	\$10.76	\$10.05
		TE & ET						
		TE	16	161				
		TE & ET						
Nursing Services: RN	T2025	TD	05	051	15 min.	\$14.72	\$13.94	\$13.03
		TD & ET						
		TD	16	160				
		TD & ET						
Physical Therapy	T2025	GP	17	170	15 min.	\$21.61	\$20.46	\$19.12
		GP & ET						
Occupational Therapy	T2025	GO	17	171	15 min.	\$20.93	\$19.82	\$18.52
		GO & ET						
Speech and Language Therapy	T2025	GN	17	173	15 min.	\$19.23	\$18.21	\$17.02
		GN & ET						
Individual Behavioral Therapy	T2025	HE	19	208	15 min.	\$25.29	\$23.95	\$22.38
		HE & ET						
Group Behavioral Therapy	T2025	HE&HQ	19	208	15 min.	\$8.09	\$7.66	\$7.16
		HE, HQ & ET						
Visual/Mobility Therapy	W7246		51	517	15 min.	\$19.23	\$18.21	\$17.02
		ET						
Companion, Basic staff support	W1724		51	363	15 min.	\$1.26	\$1.19	\$1.12
		ET						
Companion, level 1	W1725		51	363	15 min.	\$1.46	\$1.38	\$1.29
		ET						
Companion, level 2	W1726		51	363	15 min.	\$2.23	\$2.11	\$1.97
		ET						
Companion, level 3	W1727		51	363	15 min.	\$6.11	\$5.79	\$5.41
		ET						
Supplemental Habilitation, 1:1(PA)	W7070		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
		ET						
Supplemental Habilitation, 2:1(PA)	W7084		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
		ET						
Additional Individualized Staffing, 1:1(PA)	W7085		52	456, 520, 521 or 522	15 min.	\$5.41	\$5.12	\$4.79
Additional Individualized Staffing, 2:1(PA)	W7086		52	456, 520, 521 or 522	15 min.	\$10.81	\$10.24	\$9.57
Older Adult Day Habilitation	W7094		51	410	15 min.	\$2.57	\$2.43	\$2.27
		ET						
Behavioral Support	W7095		51	510	15 min.	\$19.42	\$18.39	\$17.19
		ET						
Supports Broker	W7096		51	510	15 min.	\$8.65	\$8.19	\$7.65

NOTICES

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<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Day-Adult	W7072		51	514	15 min.	\$2.90	\$2.75	\$2.57
	W7073		51	514	15 min.	\$3.55	\$3.36	\$3.14
	W7074		51	514	15 min.	\$4.50	\$4.26	\$3.98
	W7075		51	514	15 min.	\$9.16	\$8.67	\$8.11
	W7076		51		15 min.	\$13.35	\$12.64	\$11.81
	W7035				15 min.	\$17.20	\$16.29	\$15.22
	W7036				15 min.	\$25.57	\$24.21	\$22.63
Prevocational	W7087				15 min.	\$2.06	\$1.95	\$1.82
	W7088				15 min.	\$2.43	\$2.30	\$2.15
	W7089				15 min.	\$3.26	\$3.09	\$2.88
	W7090				15 min.	\$9.06	\$8.58	\$8.02
	W7091				15 min.	\$12.59	\$11.92	\$11.14
	W7092				15 min.	\$17.75	\$16.81	\$15.71
	W7093				15 min.	\$24.82	\$23.50	\$21.96
Supports Coordination	W7210		21	218	15 min.	\$21.70	\$20.55	\$19.20
Supported Employment	W7235		53	530 531	15 min.	\$17.75	\$16.81	\$15.71
Transitional Work	W7237		51	516	15 min.	\$2.65	\$2.51	\$2.35
	W7239		51	516	15 min.	\$3.55	\$3.36	\$3.14
	W7241		51	516	15 min.	\$4.65	\$4.40	\$4.12
	W7245		51	516	15 min.	\$11.63	\$11.01	\$10.29
Unlicensed Home and Community Habilitation	W7057		51	510	15 min.	\$2.54	\$2.41	\$2.25
	W7058		51	510	15 min.	\$3.52	\$3.33	\$3.12
	W7059		51	510	15 min.	\$4.47	\$4.23	\$3.96
	W7061		51	510	15 min.	\$11.09	\$10.50	\$9.81
		TD						
		TE						
	W7068		51	510	15 min.	\$13.96	\$13.22	\$12.35
	W7069		51	510	15 min.	\$23.97	\$22.70	\$21.21
		TD						
		TE						
In Home Respite—24 hours	W7247		51	512	Day	\$85.20	\$80.68	\$75.40
	W7248		51	512	Day	\$110.80	\$104.92	\$98.05
	W7250		51	512	Day	\$241.92	\$229.07	\$214.09
	W7251		51	512	Day	\$381.84	\$361.57	\$337.91
	W7252		51	512	Day	\$475.82	\$450.56	\$421.08
	W7253		51	512	Day	\$755.66	\$715.54	\$668.73
		TD						
TE								

NOTICES

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
In Home Respite—15 Minutes	W7255		51	512	15 min.	\$2.13	\$2.02	\$1.88
	W7256		51	512	15 min.	\$2.77	\$2.62	\$2.45
	W7258		51	512	15 min.	\$6.11	\$5.79	\$5.41
	W7264		51	512	15 min.	\$9.55	\$9.04	\$8.45
	W7265		51	512	15 min.	\$11.90	\$11.27	\$10.53
	W7266		51	512	15 min.	\$18.89	\$17.89	\$16.72
		TD						
TE								
Respite—unlicensed out of home—24 hour	W8000		51	513	Day	\$85.20	\$80.68	\$75.40
	W8001		51	513	Day	\$110.80	\$104.92	\$98.05
	W8002		51	513	Day	\$241.92	\$229.07	\$214.09
	W8003		51	513	Day	\$381.84	\$361.57	\$337.91
	W8004		51	513	Day	\$475.82	\$450.56	\$421.08
		TD						
		TE						
Respite—unlicensed out of home—15 minute	W8010		51	513	15 min.	\$2.13	\$2.02	\$1.88
	W8011		51	513	15 min.	\$2.77	\$2.62	\$2.45
	W8012		51	513	15 min.	\$6.11	\$5.79	\$5.41
	W8013		51	513	15 min.	\$9.55	\$9.04	\$8.45
		TD						
		TE						
	W8014		51	513	15 min.	\$11.90	\$11.27	\$10.53
W8015		51	513	15 min.	\$18.89	\$17.89	\$16.72	
	TD							
	TE							
Respite—licensed out of home—24 hour	W7259		51	513	Day	\$111.11	\$105.21	\$98.33
		U2						
	W7260		51	513	Day	\$203.96	\$193.13	\$180.50
		U2						
	W7262		51	513	Day	\$269.98	\$255.64	\$238.92
		U2						
	W7263		51	513	Day	\$416.51	\$394.39	\$368.59
		U2						
	W7299		51	513	Day	\$524.61	\$496.75	\$464.26
		U2						
W7300		51	513	Day	\$817.68	\$774.26	\$723.61	
	TD							
	TE							
	U2							

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>	
Respite—licensed out of home—15 minutes	W7267		51	513	15 min.	\$2.78	\$2.63	\$2.46	
	W7268		51	513	15 min.	\$3.68	\$3.48	\$3.26	
	W7270		51	513	15 min.	\$6.75	\$6.39	\$5.97	
	W7400			51	513	15 min.	\$10.41	\$9.86	\$9.21
		TD							
		TE							
	W7401		51	513	15 min.	\$13.12	\$12.42	\$11.61	
W7402			51	513	15 min.	\$20.44	\$19.35	\$18.09	
	TD								
	TE								
Homemaker/Chore (permanent)	W7283		43	430	1 hour	\$19.44	\$18.41	\$17.20	
			51	430 or 431					
			55	430 or 431					
Homemaker/Chore (temporary)	W7283	UA	43	430	1 hour	\$19.44	\$18.41	\$17.20	
		UA & ET							
		UA	51	430 or 431					
		UA & ET							
		UA	45	430 or 431					
		UA & ET							

Department-Established Fees

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Community Homes—Ineligible	W6091				Day	\$72.71	\$67.93	\$62.35
	W6093					\$38.64	\$35.67	\$32.20
	W6095					\$27.32	\$24.95	\$22.18
	W6097					\$21.22	\$19.17	\$16.78
	W6099					\$16.78	\$14.97	\$12.86
Licensed Child Residential Services—Ineligible	W7011				Day	\$72.71	\$67.93	\$62.35
	W7013					\$38.64	\$35.67	\$32.20
	W7015					\$27.32	\$24.95	\$22.18
	W7017					\$21.22	\$19.17	\$16.78
	W7019					\$16.78	\$14.97	\$12.86
Licensed Community Residential Rehabilitation Services—Ineligible	W7021				Day	\$72.71	\$67.93	\$62.35
	W7023					\$38.64	\$35.67	\$32.20
	W7025					\$27.32	\$24.95	\$22.18
	W7027					\$21.22	\$19.17	\$16.78
	W7029					\$16.78	\$14.97	\$12.86
Unlicensed Residential Services—Ineligible	W7079				Day	\$15.28	\$13.56	\$11.56
	W7081					\$6.14	\$4.90	\$3.47
	W7083					\$5.46	\$4.26	\$2.87
Unlicensed Family Living Home—Ineligible	W7038				Day	\$2.70	\$1.65	\$0.43
	W7040					\$1.31	\$0.34	\$0.00
Licensed Adult Family Living Home—Ineligible	W7292				Day	\$2.70	\$1.65	\$0.43
	W7294					\$1.31	\$0.34	\$0.00

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Licensed Child Family Living Home—Ineligible	W7296				Day	\$2.70	\$1.65	\$0.43
	W7298					\$1.31	\$0.34	\$0.00

Agency with Choice Financial Management Services, Including Benefit Allowance***

***No modifier is needed to indicate the benefit allowance is included.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727		54	540	15 min.	\$3.76	\$3.56	\$3.33
Supported Employment	W7235		54	540	15 min.	\$6.96	\$6.59	\$6.16
Unlicensed Habilitation, level 3	W7060		54	540	15 min.	\$5.66	\$5.36	\$5.01
Unlicensed Habilitation, level 3, enhanced	W7061		54	540	15 min.	\$8.82	\$8.35	\$7.81
		TD						
		TE						
Unlicensed Habilitation, level 4	W7068		54	540	15 min.	\$11.34	\$10.74	\$10.04
Unlicensed Habilitation, level 4, enhanced	W7069		54	540	15 min.	\$17.64	\$16.70	\$15.61
		TD						
		TE						
Supports Broker	W7096		54	540	15 min.	\$6.41	\$6.07	\$5.67
Respite—unlicensed, in home, level 2	W7250		54	540	1 day	\$268.61	\$254.35	\$237.71
	W7258		54	540	15 min.	\$4.16	\$3.94	\$3.68
Respite—unlicensed, in home, level 2, enhanced	W7251		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
Respite—unlicensed, in home, level 3	W7252		54	540	1 day	\$537.21	\$508.69	\$475.41
	W7265		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, in home, level 3, enhanced	W7253		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
Homemaker/ Chore	W7283		54	540	1 hour	\$16.18	\$15.32	\$14.32
		UA						
Respite—unlicensed, out of home, level 2	W8002		54	540	1 day	\$268.61	\$254.35	\$237.71
	W8012		54	540	15 min.	\$4.16	\$3.94	\$3.68
Respite—unlicensed, out of home, level 2, enhanced	W8003		54	540	1 day	\$513.63	\$486.36	\$454.54
		TD						
		TE						
Respite—unlicensed, out of home, level 2, enhanced	W8013		54	540	15 min.	\$7.95	\$7.53	\$7.04
		TD						
		TE						

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, out of home, level 3	W8004		54	540	1 day	\$537.21	\$508.69	\$475.41
	W8014		54	540	15 min.	\$8.34	\$7.90	\$7.38
Respite—unlicensed, out of home, level 3, enhanced	W8005		54	540	1 day	\$1,027.25	\$972.71	\$909.07
		TD						
		TE						
	W8015		54	540	15 min.	\$15.92	\$15.07	\$14.09
		TD						
		TE						

Agency with Choice Financial Management Services, Excluding Benefit Allowance**

**Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Companion, level 3	W1727	U4	54	540	15 min.	\$3.14	\$2.97	\$2.78
Supported Employment	W7235	U4	54	540	15 min.	\$6.34	\$6.00	\$5.61
Unlicensed Habilitation, level 3	W7060	U4	54	540	15 min.	\$5.04	\$4.77	\$4.46
Unlicensed Habilitation, level 3, enhanced	W7061	U4	54	540	15 min.	\$8.20	\$7.76	\$7.26
		TD & U4						
		TE & U4						
Unlicensed Habilitation, level 4	W7068	U4	54	540	15 min.	\$10.10	\$9.56	\$8.94
Unlicensed Habilitation, level 4, enhanced	W7069	U4	54	540	15 min.	\$16.40	\$15.53	\$14.51
		TD & U4						
		TE & U4						
Supports Broker	W7096	U4	54	540	15 min.	\$5.79	\$5.48	\$5.12
Respite—unlicensed, in home, level 2	W7250	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W7258	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, in home, level 2, enhanced	W7251	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W7264	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed in home, level 3	W7252	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W7265	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, in home, level 3, enhanced	W7253	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W7266	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99
		TD & U4						
		TE & U4						
Homemaker/ Chore	W7283	U4	54	540	1 hour	\$13.70	\$12.97	\$12.12
		UA & U4						

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Provider Type</i>	<i>Specialty Code</i>	<i>Unit</i>	<i>Area 1</i>	<i>Area 2</i>	<i>Area 3</i>
Respite—unlicensed, out of home, level 2	W8002	U4	54	540	1 day	\$228.95	\$216.79	\$202.61
	W8012	U4	54	540	15 min.	\$3.54	\$3.35	\$3.13
Respite—unlicensed, out of home, level 2, enhanced	W8003	U4	54	540	1 day	\$473.97	\$448.80	\$419.44
		TD & U4						
		TE & U4						
	W8013	U4	54	540	15 min.	\$7.33	\$6.94	\$6.49
		TD & U4						
		TE & U4						
Respite—unlicensed, out of home, level 3	W8004	U4	54	540	1 day	\$457.89	\$433.58	\$405.21
	W8014	U4	54	540	15 min.	\$7.10	\$6.72	\$6.28
Respite—unlicensed, out of home, level 3, enhanced	W8005	U4	54	540	1 day	\$947.93	\$897.60	\$838.88
		TD & U4						
		TE & U4						
	W8015	U4	54	540	15 min.	\$14.68	\$13.90	\$12.99

Fiscal Impact

It is anticipated there will be an approximate cost to the Commonwealth of \$20.959 million (\$9.900 million State funds) in FY 2013-2014 and subsequent fiscal years. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact associated with this notice is estimated.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding this notice to the Department at the Office of Developmental Programs' rate-setting mailbox at ra-ratesetting@state.pa.us, use subject header "PN Fee Schedule," or Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-835. (1) General Fund;

(7) ID—Community Waiver Program; (2) Implementing Year 2013-14 is \$9,809,000; (3) 1st Succeeding Year (2014-15) through 5th Succeeding Year (2018-19) are \$9,809,000; (4) 2012-13 Program—\$919,885,000; 2011-12 Program—\$854,863,000; 2010-11 Program—\$872,376,000;

(7) ID—Community Base Program; (2) Implementing Year 2013-14 is \$91,000; (3) 1st Succeeding Year (2014-15) through 5th Succeeding Year (2018-19) are \$91,000; (4) 2012-13 Program—\$151,223,000; 2011-12 Program—\$158,194,000; 2010-11 Program—\$155,958,000;

(8) recommends adoption. Funds have been included in the budget to cover the increase in costs for the ID—Community Waiver Program. The ID—Community Base Program is able to absorb the increased cost.

[Pa.B. Doc. No. 13-1178. Filed for public inspection June 28, 2013, 9:00 a.m.]

Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver- and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System

The purpose of this notice is to announce the methodology used in the Prospective Payment System to develop rates, effective July 1, 2013, for residential habilitation eligible and transportation trip services, funded through the Consolidated and Person/Family Directed Support waivers and for the same service that is provided with base funding in a waiver-funded service location.

Background

To establish provider payment rates consistently across the Commonwealth, the Department of Public Welfare (Department) continues to move in a direction to align rates and rate-setting methodologies across programs.

Rate-Setting Methodology for Residential Habilitation Eligible Services

The following methodology applies to the residential habilitation eligible proposed payment rates. The Fiscal Year (FY) 2013-2014 proposed rates for the residential habilitation eligible services were developed from expenses and utilization data reported in approved Year 5 cost reports (FY 2011-2012 Historical Expense Period), submitted by providers and approved in the desk review process, when the procedure codes and service locations in the cost reports were the same as those entered in the Home and Community Services Information Systems (HCSIS) Services and Supports Directory (SSD) as of December 31, 2012. The FY 2013-2014 residential habilitation eligible proposed rates will be effective for services delivered on or after July 1, 2013, are subject to the adjustments described as follows, and are assigned at the Master Provider Index (MPI)—Service Location Code—Procedure Code/Modifier level based, on the methodology outlined as follows.

Residential Outlier Review Process

The “total unit cost” for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total available units reported in the approved cost report for that provider and service, including any applicable utilization adjustments based on a review of the cost report data compared to available HCSIS and Provider Reimbursement and Operations Management Information System (PROMISE) data.

The Department identified and adjusted for outliers at the total unit cost level for each of the providers’ residential habilitation eligible services submitted in the Year 5 approved cost reports, as applicable. For all residential habilitation eligible services with 20 or more unique unit costs (unit costs by provider and service from separate, approved Year 5 cost reports), the Department applied the following process for each service:

- The average and standard deviation (SD) values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 5 cost report data.
- Total unit costs that were greater than the average plus one SD or were less than the average minus two SD were flagged as outliers.
- Total unit costs that were flagged as outliers were subject to a review, as described as follows.

Total Unit Cost Review

The Department performed a standardized review of all total unit cost outliers. The review consisted of an evaluation of the Individual Support Plans (ISP) for waiver participants receiving services at the service locations impacted by the outlier unit cost. The review allowed the Department to determine whether the outlier unit cost was justified (such as an individual with complex needs) and the following was applied:

- Total unit cost outliers that were supported by the ISP reviews were not adjusted.
- Total unit cost outliers that were greater than the average unit cost plus one SD and that were not sup-

ported by the ISP reviews were adjusted to the maximum unit cost from an approved Year 5 cost report below the average plus one SD for that service.

- Total unit cost outliers that were less than the average minus two SD and that were not supported by the ISP reviews were adjusted to the minimum unit cost from an approved Year 5 cost report above the average minus two SD for that service.

For all residential habilitation eligible services with fewer than 20 unique unit costs, the Department did not perform the standardized outlier review on the total unit costs because there were not enough data points available to produce statistically valid ranges. The Department, however, did review the unit costs for these services in an effort to standardize rates across services. The review consisted of a comparison of the following:

- Other unit costs for that service, as applicable.
- The average unit cost and range of unit costs for similar services with 20 or more unit costs.
- The FY 2012-2013 statewide average unit cost for that service based on FY 2012-2013 approved cost report data.

If, based on the review, a unit cost appeared unreasonably high or low, the Department reviewed the ISPs for waiver participants receiving services at the service locations impacted by the high/low unit cost to determine if the unit costs were justified. Based on the Department’s review of the ISPs, no adjustments were made.

Vacancy Factor

As with the FY 2012-2013 residential rates, a vacancy factor was incorporated into the residential habilitation rates to recognize that providers may not deliver services at full capacity. The vacancy factor adjusts the full capacity rate to account for days when the residential provider cannot bill due to a participant not receiving services. The provider cannot bill for days when a participant is not receiving services, but rather the provider is paid a higher rate for days when the participant is receiving services.

After the unit costs for each residential habilitation eligible service were adjusted through the outlier review process, a single, standardized vacancy factor of 97% was applied to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$103.09 ($\$100/0.97$) after the vacancy factor was applied. The single standardized vacancy factor was based on an analysis of historical PROMISE utilization data.

Transportation Trip Services

The FY 2013-2014 proposed rates for transportation trip services were developed from expenses and utilization data reported in the approved Year 5 transportation cost reports that are based on the FY 2011-2012 historical expense period, when the procedure codes submitted by providers are the same as those entered in the SSD as of December 31, 2012. The FY 2013-2014 transportation trip proposed rates will be effective for services delivered July 1, 2013, through June 30, 2014, are subject to the adjustments described as follows, and are assigned at the MPI—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Transportation Trip Outlier Review Process

The “total unit cost” for a provider and transportation trip service is defined as total expenses reported in the approved transportation cost report for that provider and

service divided by the total utilization reported in the approved transportation cost report for that provider and service. The total expenses are equal to Schedule A, Line 12 of the cost report (total net expenses) plus Line 20 (projected costs for transportation aides) of the cost report. The total utilization is equal to Schedule A, Line 13 of the cost report. These rates reflect consideration for trips with and without aides (as reported by the provider), which means each provider will be paid one payment rate for each trip service (that is, there will not be separate rates for trips with an aide versus without an aide).

The Department reviewed the development of each transportation trip unit cost submitted in approved transportation cost reports for accuracy, reasonableness and to ensure compliance with the Department's allowable cost policies. To support the Department's efforts to continue to standardize rates for similar services, the Department reviewed unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service. As a result of the review, no adjustments to unit costs were needed.

Cost of Living (COLA)

After the unit costs for each residential habilitation eligible and transportation trip service were adjusted as previously described, a total COLA of 0.00% was applied (0.00% for FY 2011-2012 and 0.00% for FY 2012-2013) to establish each provider's proposed rates for FY 2013-2014 (prior to application of the rate adjustment factor).

Rate Adjustment Factor (RAF)

The Department performed an analysis of the aggregate projected expenditures compared to the amount proposed to be appropriated for the waiver program, an assessment of the current year's billing trends and an analysis of provider-specific impacts of any potential RAF to determine if a RAF would need to be applied prospectively to the residential habilitation eligible rates. The Department used information from this analysis to determine that an RAF was not necessary for the proposed residential habilitation eligible rates.

Rate Assignment Process

For the FY 2013-2014 residential habilitation eligible and transportation trip services, the Department assigned proposed payment rates to providers with approved Year 5 cost reports using the following methodology:

- The provider's cost-based payment rate for existing services and service locations submitted in the cost reports, based on the methodology previously described.
- The average of the provider's cost-based payment rates for an existing service at a new service location if the provider submitted cost report data for that service at other service locations.
- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2011-2012.

The Department assigned proposed payment rates to existing providers who do not have approved Year 5 cost reports based on the following methodology:

- The lowest payment rates calculated based on all approved cost reports for an existing service for which the provider delivered at any service location in FY 2011-2012.

- The area adjusted average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2011-2012.

The Department assigned the area adjusted average rate calculated based on all approved cost reports to new providers who did not provide any cost-based services in FY 2011-2012.

All proposed payment rates for all waiver-funded services are contingent on the final budget enacted by the General Assembly. The proposed payment rates should be used to process claims submitted to the PROMISE in electronic format for services provided until a notice announcing final rates is published.

Fiscal Impact

It is anticipated that there will be an approximate cost to the Commonwealth of \$1.533 million (\$0.736 million State funds) in FY 2013-2014 and subsequent years. The amount of funding available for this program is dependent upon the funds appropriated by the General Assembly for the forthcoming fiscal year; therefore, until a budget bill is passed and enacted, the fiscal impact associated with this notice is estimated.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144
- *Northeast region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749
- *Southeast region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245
- *Central region:* Room 430, Willow Oak Building, P. O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding this notice to the Department at the Office of Developmental Programs' rate-setting mailbox at ra-ratesetting@state.pa.us, use subject header "PN PPS Methodology," or Department of Public Welfare, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, Forster and Commonwealth Avenues, Harrisburg, PA 17120.

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).

BEVERLY D. MACKERETH,
Acting Secretary

Fiscal Note: 14-NOT-836. (1) General Fund;

(7) ID—Community Waiver Program; (2) Implementing Year 2013-14 is \$666,000; (3) 1st Succeeding Year (2014-15) through 5th Succeeding Year (2018-19) are \$666,000;

(4) 2012-13 Program—\$919,885,000; 2011-12 Program—\$854,863,000; 2010-11 Program—\$872,376,000;

(7) ID—Community Base Program; (2) Implementing Year 2013-14 is \$70,000; (3) 1st Succeeding Year (2014-15) through 5th Succeeding Year (2018-19) are \$70,000; (4) 2012-13 Program—\$151,223,000; 2011-12 Program—\$158,194,000; 2010-11 Program—\$155,958,000;

(8) recommends adoption. Funds have been included in the budget to cover the increase in costs for the ID—Community Waiver Program. The ID—Community Base Program is able to absorb the increased cost.

[Pa.B. Doc. No. 13-1179. Filed for public inspection June 28, 2013, 9:00 a.m.]

DEPARTMENT OF REVENUE

Method of Filing; PA S Corporation/Partnership; Information Return, PA-20S/PA-65

The Secretary of the Department of Revenue (Department) issues this notice under the provisions of section 10 of The Fiscal Code (72 P. S. § 10) (Act 2009-50). This notice applies to PA S Corporation/Partnership Information Returns (Form PA-20S/PA-65) that are required to be filed on or after January 1, 2014.

Filing Mandate—PA S Corporation/Partnership Information Return, PA-20S/PA-65

For all calendar years following a calendar year in which a third party preparer prepares 50 or more PA S Corporation/Partnership Information Returns, the third party preparer is required to electronically file (e-file) in the manner prescribed by Departmental instructions all such PA S Corporation/Partnership Information Returns and associated schedules (including RK-1 and NRK-1 forms) and attachments. Once a third party preparer is subject to this filing mandate, the third party preparer shall continue to be subject to the mandate regardless of how many PA S Corporation/Partnership Information Returns he or she prepares during a calendar year.

A third party preparer who is subject to this filing mandate must have software that is compatible with Department e-filing requirements.

Rules applicable to the Filing Mandate

(a) *Third Party Preparer.* For purposes of this notice, the phrase “third party preparer” means any natural person, fiduciary, corporation or other entity who or that prepares for remuneration, or who employs one or more persons to prepare for remuneration, any return for a tax administered by the Department or is assigned a Preparer Tax Identification Number (PTIN) by the Internal Revenue Service. None of the following, however, are considered third party preparers for remuneration: (1) Tax return preparers who voluntarily prepare the returns of others for no pecuniary benefit. (2) Persons who merely provide mechanical assistance such as typing. (3) Regular employees of an employer who prepare returns for other regular employees of the employer or the employer’s officers and regular employees. (4) Fiduciaries who prepare returns for the trusts or estates that they serve.

(b) *50 Return Threshold.* A third party preparer must include all PA S Corporation/Partnership Information Returns that the third party preparer or his or her members, or employees prepare and submit to the Department. This amount includes all original and amended returns, or short year returns to the extent that such return can be e-filed with the Department. If a third party preparer has multiple business locations, the combined total of all the returns for all locations are included for purposes of calculating the 50 return threshold.

Penalty

A third party preparer who fails to file PA S Corporation/Partnership Information Returns by the method required under this notice shall be subject to a penalty of ten dollars (\$10) for each improperly filed return.

Penalty Waiver

(a) The Department will waive the penalty applicable to a return that is not filed pursuant to this filing mandate in the following situations:

(1) The taxpayer has specifically directed the third party preparer to file the return pursuant to a different filing method than mandated in this notice. This directive must be in a written form, signed by an officer of the corporation, and provided to the Department upon request.

(2) The preparer’s tax software does not support e-filing of a required attachment to the return.

(b) The Department, at its discretion, may waive the penalties applicable to returns that are not filed as prescribed in this notice, if the Department determines the filing mandate of this notice constitutes undue hardship on the third party preparer. The third party preparer must submit a written request for the waiver for every calendar year. The request must clearly explain why the filing method causes an undue hardship. A request for a waiver must be mailed to the Pennsylvania Department of Revenue at the following address by November 1st of the preceding calendar year for which the waiver is requested: Pennsylvania Department of Revenue, Pass Through Business Office, Director’s Office, P. O. Box 1240, Harrisburg, PA 17128-1240.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-1180. Filed for public inspection June 28, 2013, 9:00 a.m.]

Realty Transfer Tax; 2012 Common Level Ratio; Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2012. These factors are the mathematical reciprocals of the actual common level ratio (CLR). For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from July 1, 2013 to June 30, 2014, except as indicated below. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument (61 Pa. Code § 91.102).

<i>County</i>	<i>CLR Factor</i>
Adams	.84
Allegheny (1)	1.00
Armstrong	2.32
Beaver	3.18
Bedford (1)	1.00
Berks	1.28
Blair	6.25
Bradford	2.98
Bucks	9.09
Butler	7.41
Cambria	3.09
Cameron	2.25
Carbon	1.94
Centre	3.52
Chester	1.66
Clarion	3.45
Clearfield	4.67
Clinton	1.06
Columbia	3.55
Crawford	2.55
Cumberland	.97
Dauphin	1.31
Delaware	1.35
Elk	2.06
Erie (1)	1.00
Fayette	1.23
Forest	3.35
Franklin	6.80
Fulton	2.46
Greene	1.41
Huntingdon (3)	3.46
Indiana	5.05
Jefferson	2.08
Juniata	5.35
Lackawanna	5.00
Lancaster	1.24
Lawrence	1.03
Lebanon (1)	1.00
Lehigh (1)	1.00
Luzerne	.91
Lycoming	1.26
McKean	1.09
Mercer	2.78
Mifflin	1.96
Monroe	4.55
Montgomery	1.58
Montour	1.20
Northampton	2.64
Northumberland	3.60
Perry	1.09
Philadelphia (2)	3.27
Pike	3.88
Potter	2.52
Schuylkill	2.02
Snyder	5.08
Somerset	2.57
Sullivan	1.43
Susquehanna	2.94
Tioga	1.49
Union	1.25
Venango	1.06
Warren	3.02
Washington	7.87
Wayne	1.13
Westmoreland	4.67
Wyoming	4.93
York	1.12

(1) Adjusted by the State Tax Equalization Board to reflect an assessment base change effective January 1, 2013.

(2) Adjusted by the Department of Revenue based on updated common level ratio published by STEB in the *Pennsylvania Bulletin* January 5, 2013 (43 Pa.B. 106); effective for documents accepted from July 1, 2012 to June 30, 2013. The 2012 common level ratio is still to be determined by STEB; therefore, the factor shown above will remain effective until STEB certifies the 2012 factor.

(3) Adjusted by the State Tax Equalization Board to reflect an assessment ratio change effective January 1, 2013.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-1181. Filed for public inspection June 28, 2013, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, July 10, 2013—Executive Committee Meeting at 4 p.m.; and Thursday, July 11, 2013—Council Meeting at 10 a.m.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 13-1182. Filed for public inspection June 28, 2013, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, May 16, 2013, and announced the following:

Action Taken—Regulation Disapproved:

State Board of Pharmacy #16A-5423: Cancer Drug Repository Program (amends 49 Pa. Code Chapter 27 by adding §§ 27.501—27.506)

Disapproval Order

Public Meeting Held
May 16, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq., dissenting

*State Board of Pharmacy—
Cancer Drug Repository Program;
Order Issued June 14, 2013;
Regulation No. 16A-5423 (#2889)*

On March 2, 2011, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code Chapter 27 by adding §§ 27.501—27.506. The proposed regulation was published in the March 12, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 8, 2013.

This final-form rulemaking establishes the Cancer Drug Repository Program (Program) as required by the Cancer Drug Repository Program Act of 2008 (Act). 62 P.S. §§ 2921—2927. The rulemaking is disapproved for two reasons. First, new language was added to § 27.506(a) that requires a patient to certify that the patient meets the eligibility criteria of the Program. This self-certification requirement, without any additional requirement for independent verification and review, could create a liability issue under the federal Anti-Kickback Statute for pharmacies wishing to participate in the Program. See 42 U.S.C. § 1320a-7b. We question whether the Board considered the federal law and any applicable safe harbors when it amended the final-form regulation to require a patient to self-certify the patient's own eligibility. This increased risk of liability may result in pharmacies choosing not to participate in the Program. We do not believe that limiting the number of pharmacies that are willing to participate in the Program is reasonable or consistent with the intent of the General Assembly when it passed the Act. (71 P.S. §§ 745.5b(a) and(b)(3)).

If the Board decides to return this rulemaking with changes, as provided by Section 7(c) of the Regulatory Review Act (71 P.S. § 745.7(c)), we ask the Board to work with representatives of the pharmacy and health care industries to ensure that the entire regulation, not just § 27.506(a), is written in a manner that will encourage pharmacies to participate in the program. We suggest that

the Board use this process to ensure that the Program is implemented in such a way that pharmacies are willing to participate, and more importantly, cancer patients have access to unused cancer drugs.

The second concern relates to § 27.506(b) and the income limits for eligibility in the Program. Pursuant to Sections 5.2(b)(3)(ii) and (iv) of the Regulatory Review Act, 71 P.S. § 745.5b(b)(3)(ii) and (iv), we question how this section will be implemented and believe it lacks clarity. Under Subsection (b)(2) of the rulemaking, the income limits for eligibility for the Program are based upon family income not to exceed 350% of the current Department of Health and Human Services Federal Poverty Income Guidelines. The income limits are in Appendix A of the rulemaking and changes to the limits will be posted to the Board's website. We believe that this approach to amending the income limits could be confusing to the regulated community. If Appendix A is retained in the final-form rulemaking, we suggest that any changes to income limits be made via publication of a notice in the *Pennsylvania Bulletin* on an annual basis and whenever changes are made and also posted on the Board's website. In the alternative, the Board could delete Appendix A and rely on the formula contained in § 27.506(b)(2).

We are also concerned that Appendix A includes a reference to current income levels instead of prior year income levels. We believe basing income levels on a patient's prior year income will be easier to implement than basing it on current year income levels. We question how a person's current year income can be accurately calculated before the end of that year.

We have determined this regulation is not reasonable and it is not consistent with the intention of the General Assembly. It also lacks clarity. Additionally, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

By Order of the Commission:

The regulation #16A-5423 (IRRC #2889) from the State Board of Pharmacy was disapproved on May 16, 2013.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-1183. Filed for public inspection June 28, 2013, 9:00 a.m.]

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 regulations. 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>
125-168	Pennsylvania Gaming Control Board Gaming Junket Enterprises, Accounting and Internal Controls, Compulsive and Problem Gambling, Self-Exclusion, Underage Gaming, Equipment, Blackjack 43 Pa.B. 2152 (April 20, 2013)	5/20/13	6/19/13

**Pennsylvania Gaming Control Board
Regulation #125-168 (IRRC #3003)
Gaming Junket Enterprises, Accounting and
Internal Controls, Compulsive and Problem
Gambling, Self-Exclusion, Underage Gaming,
Equipment, Blackjack
June 19, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the April 20, 2013 *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 Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Section 501a.7. Advertising.—Economic impact; Protection of the public welfare.

Parx Casino (Parx) commented in support of nearly all of the changes proposed by the Board, but expresses concern with Subparagraph (e)(3)(ii) which states:

The gambling assistance message shall be visible for the entire time the video or television advertisement is displayed.

Parx describes a commercial strategy that creates a back-story to pull the viewer into the commercial and then reveals the highlights of the casino, its amenities, its positive attributes and its branding message. Parx believes the requirement that the gambling assistance message be visible at all times would make this advertising campaign obsolete by requiring the message to be displayed during the back-story portion of the commercial. Consequently, Parx objects to this provision of the regulation. Parx has suggested alternative language. We ask the Board to consider this comment and explain why the Board's proposed language is the best alternative to serve the public interest.

2. Section 513a.1. Definitions.—Clarity.

This section adds a definition of "underage individual," but upon review we did not find this term used in Chapter 513a. The Board should either use the defined term or delete the definition.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-1184. Filed for public inspection June 28, 2013, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, 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.

*Final-Form
Reg. No.*

Agency/Title

Resubmitted

Public Meeting

57-290

Public Utility Commission
Rules of Practice and Procedure

6/18/13

8/1/13

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-1185. Filed for public inspection June 28, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

**Application for Approval to Acquire Control of
Significa Insurance Group, Inc.**

Dental Service of Massachusetts, Inc., a Massachusetts not-for-profit corporation, has filed an application to acquire control of Significa Insurance Group, Inc., a Pennsylvania domiciled stock life insurance company. The filing was received on June 13, 2013, and was made under Article XIV of The Insurance Company Law of 1921 (40 P. S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*.

Each written statement must include the 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 Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-1186. Filed for public inspection June 28, 2013, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Perry County, Wine & Spirits Store #5001 (Relocation),
Newport, PA

Lease is in 90-day status since: May 1, 2011

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 to 2,500 net useable square feet of new or existing retail commercial space along Route 34 near the junction with Route 322 in Howe Township, Newport, PA.

Proposals due: July 12, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
Real Estate Region #2
Northwest Office Building, Room #313
910 Capital Street
Harrisburg, PA 17124-0001
Contact: Ronald Hancher, Jr.
(717) 787-3016
rhancher@pa.gov

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 13-1187. Filed for public inspection June 28, 2013, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Change of Reporting Criteria for Nursing Homes under the Health Care-Associated Infection and Prevention Control Act; Extension of Public Comment Period

The purpose of this announcement is to extend the public comment period for proposed changes to the surveillance criteria for health care-associated infections by nursing homes under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.401—1303.411), added by the act of July 20, 2007 (P. L. 331, No. 52) (Act 52), known as the Health Care-Associated Infection and Prevention Control Act. The proposed changes were outlined in a prior notice from the Patient Safety Authority (Authority) published at 43 Pa.B. 2794 (May 18, 2013). That original notice is available online at <http://www.pabulletin.com/secure/data/vol43/43-20/938.html>.

PENNSYLVANIA GAMING CONTROL BOARD

List of Applicants and Licensees

In accordance with 4 Pa.C.S. §§ 1202(b)(27) and (27.1) and 1513(a.2)(1) (relating to general and specific powers; and political influence), the Pennsylvania Gaming Control Board (Board) is providing the following list of all applicants for and holders of a slot machine license, table game operation certificate, manufacturer license, supplier license or racing entity license, and the affiliates, intermediaries, subsidiaries, holding companies, principals and key employees thereof. These reports are also available on the Board's web site at www.gamingcontrolboard.pa.gov. The reports can be found under the Licensure, Reports and General Information Section.

SUSAN A. YOCUM,
Assistant Chief Counsel

In the original notice, public comments were due by June 17, 2013. Because the Authority has received a number of requests for additional time to review the proposed changes and submit comments, the public comment period is being extended until July 17, 2013. Submit comments electronically to the Authority at patientsafety@state.pa.us.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 13-1188. Filed for public inspection June 28, 2013, 9:00 a.m.]

PENNSYLVANIA ALZHEIMER'S DISEASE PLANNING COMMITTEE

Public Meeting

The Pennsylvania Alzheimer's Disease Planning Committee (Committee), created by Executive Order 2013-01, will be holding a public meeting on Monday, July 15, 2013. The meeting will begin at 9 a.m. at the Rachel Carson State Office Building, Auditorium (2nd Floor), 400 Market Street, Harrisburg, PA 17101.

Residents, local government officials and interested organizations in this Commonwealth are invited to submit comments as the Committee prepares to develop a State Plan of action to address the growing crises of Alzheimer's disease and related dementias.

Individuals who wish to provide oral comments at the July 15, 2013, meeting must call in advance to schedule a time. Oral comments will be time-limited per person and a written copy of the comments will be requested the day of the meeting. To schedule oral comments at the meeting, contact Amy Comarnitsky at (717) 425-5115.

The facility is accessible by people with disabilities. People with a disability who require an accommodation to attend the public meeting are asked to notify Amy Comarnitsky at the previously listed phone number in advance so the appropriate accommodations can be made.

Persons wishing to submit written comments to the Committee should address it to Amy Comarnitsky, Pennsylvania Alzheimer's Disease Planning Committee, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101-1919. Comments may also be submitted to alzstateplan@pa.gov.

BRIAN M. DUKE,
Chairperson

[Pa.B. Doc. No. 13-1189. Filed for public inspection June 28, 2013, 9:00 a.m.]

Table Game Certificates in Good Standing:**Category 1 Facilities***Chester Downs and Marina, LLC*

Table Games Certificate Awarded: 5/13/2010

Downs Racing, LP

Table Games Certificate Awarded: 3/16/2010

Greenwood Gaming and Entertainment, Inc.

Table Games Certificate Awarded: 3/16/2010

Mountainview Thoroughbred Racing Association

Table Games Certificate Awarded: 4/7/2010

Presque Isle Downs, Inc.

Table Games Certificate Awarded: 4/29/2010

Washington Trotting Association, Inc.

Table Games Certificate Awarded: 4/29/2010

Category 2 Facilities*Holdings Acquisition Co, LP*

Table Games Certificate Awarded: 5/25/2010

Mount Airy #1, LLC

Table Games Certificate Awarded: 4/7/2010

Sands Bethworks Gaming, LLC

Table Games Certificate Awarded: 4/7/2010

Sugarhouse HSP Gaming, LP

Table Games Certificate Awarded: 5/25/2010

Category 3 Facilities*Valley Forge Convention Center Partners, LP*

Table Games Certificate Awarded: 2/8/2012

Woodlands Fayette, LLC

Table Games Certificate Awarded: 2/20/2013

Pennsylvania Gaming Control Board**Application Status Report****June 14, 2013**

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Facility-Category 1 Application			
<i>Chester Downs and Marina, LLC</i>			
<i>Affiliate</i>			
Caesars Entertainment Corporation	Renewal App Pending	8/21/2012	
Caesars Entertainment Operating Company, Inc.	Renewal App Pending	8/21/2012	
Hamlet Holdings, LLC	Renewal App Pending	8/21/2012	
Harrah's Chester Downs Investment Company, LLC	Renewal App Pending	8/21/2012	
<i>Facility-Category 1</i>			
Chester Downs and Marina, LLC	Renewal App Pending	8/21/2012	
<i>Key Employee</i>			
Cain Michael Myers	Approved for Licensure	5/23/2012	5/22/2015
Charles O'Hala	Approved for Licensure	11/22/2011	11/21/2014
Dennis John Carr	Approved for Licensure	6/21/2010	6/20/2013
Helmut Mizzay Littlejohn	Approved for Licensure	8/18/2011	8/17/2014
Logan Peter Philip Gaskill	Approved for Licensure	4/3/2013	4/2/2016
Martin Tom Williamson	Approved for Licensure	7/20/2011	7/19/2014
Mary Frances Harper	Approved for Licensure	4/28/2011	4/27/2014
Michelle Marie Yarrow	Approved for Licensure	10/13/2011	10/12/2014
Nicholas Capriotti	Approved for Licensure	7/29/2010	7/28/2013
Randall H Conroy	Approved for Licensure	2/20/2013	2/19/2016
Ronald Mathew Baumann	Approved for Licensure	11/22/2011	11/21/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Sean Adam Baumgartner	Approved for Licensure	10/13/2011	10/12/2014
Susan M Foster	Approved for Licensure	11/20/2012	11/19/2015
Darrell Edward Fittimon II	Inactive-Approved for Licensure	10/1/2012	10/12/2014
Dwayne Michael Cambra	Inactive-Approved for Licensure	10/1/2012	10/12/2014
Janet Lynn Maugans	Inactive-Approved for Licensure	9/12/2012	9/11/2015
Jennifer Michele Mitchell	Inactive-Approved for Licensure	2/4/2013	1/5/2014
Joel David Freedman	Inactive-Approved for Licensure	6/10/2013	4/10/2015
Matthew Stapleton Fisher	Inactive-Approved for Licensure	5/29/2012	10/12/2014
Michael Manzi	Inactive-Approved for Licensure	4/16/2013	4/10/2015
Travis G. Lamb	Inactive-Approved for Licensure	2/21/2012	2/23/2014
Vito Arthur Nardelli Jr	Inactive-Approved for Licensure	5/30/2012	10/12/2014
Helen A. Allman	Inactive-Renewed	9/1/2010	7/28/2013
Christopher L. Riess	License Renewed	1/9/2013	1/8/2016
John M. McNeill Jr	License Renewed	7/29/2010	7/28/2013
Katie M. Tyler	License Renewed	4/11/2012	4/10/2015
Michael Toland	License Renewed	6/21/2010	6/20/2013
Vicki L. Guveiyian	License Renewed	4/3/2013	4/2/2016
Christy Jo Rodriguez	Pending	4/16/2013	
Efrain Lopez	Pending	5/22/2013	
Frederick Zachariah Adams	Pending	10/16/2012	
Lacey Rae Scheeper	Pending	4/29/2013	
Leslie Anne Parker	Pending	9/6/2012	
Michael John DeMoss	Pending	4/16/2013	
Stacey Marie Kelsall	Pending	6/3/2013	
N. Lynne Hughes	Renewal App Pending	1/24/2012	
Nicholas Capriotti	Renewal App Pending	6/6/2013	
Josette Danielle Carter	Request for Withdrawal Pending	5/24/2013	
<i>Principal</i>			
David Benjamin Sambur	Approved for Licensure	4/11/2012	4/10/2015
Diane Elizabeth Wilfong	Approved for Licensure	2/24/2011	2/23/2014
Duane Douglas Holloway	Approved for Licensure	1/6/2011	1/5/2014
Jeffrey Tod Housenbold	Approved for Licensure	11/20/2012	11/19/2015
John W.R. Payne	Approved for Licensure	11/20/2012	11/19/2015
Lynn Curtis Swann	Approved for Licensure	8/18/2011	8/17/2014
Thomas M. Jenkin	Approved for Licensure	1/9/2013	1/8/2016
Timothy Richard Donovan	Approved for Licensure	11/22/2011	11/21/2014
Donald Andrew Colvin	Pending	12/28/2012	
Eric Alan Hession	Pending	8/20/2012	
Charles A. Paelinck	Renewal App Pending	8/21/2012	
Cheryl Ann Kondra	Renewal App Pending	8/21/2012	
Christopher J. Williams	Renewal App Pending	8/21/2012	
David Bonderman	Renewal App Pending	8/21/2012	
Eric Press	Renewal App Pending	8/21/2012	
Gary W. Loveman	Renewal App Pending	8/21/2012	
George K. Miller, Jr.	Renewal App Pending	8/21/2012	
James G. Coulter	Renewal App Pending	8/21/2012	
Jeffrey David Benjamin	Renewal App Pending	8/21/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Joshua Harris	Renewal App Pending	8/21/2012	
Karl Peterson	Renewal App Pending	8/21/2012	
Kelvin Davis	Renewal App Pending	8/21/2012	
Kevin D. Flynn	Renewal App Pending	8/20/2012	
Leon Black	Renewal App Pending	8/21/2012	
Marc J. Rowan	Renewal App Pending	8/21/2012	
Michael D. Cohen	Renewal App Pending	8/21/2012	
Jonathan J. Coslet	Request for Withdrawal Pending	3/12/2013	
Katrina R. Lane	Request to Surrender License	3/12/2013	1/5/2014
<i>Principal Entity</i>			
Chester Downs Finance Corp.	Approved for Licensure	9/14/2011	9/13/2014
Paulson & Co. Inc.	Notification Received	10/1/2010	
Apollo Hamlet Holdings B, LLC	Renewal App Pending	8/21/2012	
Apollo Hamlet Holdings, LLC	Renewal App Pending	8/21/2012	
Co-Invest Hamlet Holdings B, LLC	Renewal App Pending	8/21/2012	
Co-Invest Hamlet Holdings, Series LLC	Renewal App Pending	8/21/2012	
TPG Hamlet Holdings B, LLC	Renewal App Pending	8/21/2012	
TPG Hamlet Holdings LLC	Renewal App Pending	8/21/2012	
<i>Downs Racing, LP</i>			
<i>Affiliate</i>			
Mohegan Tribal Gaming Authority	Renewal App Pending	7/26/2012	
Mohegan Tribe of Indians of Connecticut	Renewal App Pending	7/26/2012	
<i>Facility-Category 1</i>			
Downs Racing, LP	Renewal App Pending	7/23/2012	
<i>Key Employee</i>			
Bryan E. Olowiany	Approved for Licensure	8/18/2011	8/17/2014
Dale Rapson	Approved for Licensure	7/29/2010	7/28/2013
David Christopher Parfrey	Approved for Licensure	6/28/2011	6/27/2014
Glenn J. Lawless	Approved for Licensure	8/1/2012	7/31/2015
Jeffrey George	Approved for Licensure	10/13/2011	10/12/2014
Jeffrey John Walker	Approved for Licensure	8/18/2011	8/17/2014
Kara M. Fox-LaRose	Approved for Licensure	8/1/2012	7/31/2015
Kerri K. Buckman	Approved for Licensure	7/29/2010	7/28/2013
Maria Teresa Zangardi	Approved for Licensure	6/8/2011	6/7/2014
Robert Joseph Pellegrini	Approved for Licensure	9/14/2011	9/13/2014
Robyn Ryan	Approved for Licensure	4/3/2013	4/2/2016
Ronald Caverly	Approved for Licensure	6/13/2012	6/12/2015
Ronald J. Chrzan	Approved for Licensure	8/18/2011	8/17/2014
Susana Lynn Segars	Approved for Licensure	7/11/2012	7/10/2015
Mackenzie Ann Lucas	Inactive-Approved for Licensure	4/28/2011	7/28/2013
Cynthia A. Marx	Inactive-Renewed	11/10/2011	7/28/2013
Michael W. Stiefel	Inactive-Renewed	2/25/2013	8/17/2014
Amy M. Schneider	License Renewed	7/29/2010	7/28/2013
Anthony Connell McGowan	License Renewed	8/18/2011	8/17/2014
Jennie Henderson	License Renewed	7/29/2010	7/28/2013
Joanne Donnelly	License Renewed	11/8/2012	11/7/2015
Julia Felice Gould	License Renewed	1/9/2013	1/8/2016

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Kalenna M. Honeywell	License Renewed	8/18/2011	8/17/2014
Kawel B. Laubach	License Renewed	8/18/2011	8/17/2014
Leonard M. Nardozzo	License Renewed	7/29/2010	7/28/2013
Mark W. Angelo	License Renewed	6/21/2010	6/20/2013
Merrit C. Nash	License Renewed	2/20/2013	2/19/2016
Michael S. Bean	License Renewed	1/29/2013	1/28/2016
Tammer M. Tucker	License Renewed	8/18/2011	8/17/2014
Thomas M. Brannigan	License Renewed	8/18/2011	8/17/2014
John Joseph Gutkowski	Pending	12/6/2012	
Paul Timothy Toennes	Pending	2/6/2013	
Sandra Taylor Morelli	Pending	6/4/2013	
Benjamin B. Iverson	Renewal App Pending	2/5/2013	
Dale Rapson	Renewal App Pending	6/13/2013	
Dennis Driscoll	Renewal App Pending	2/7/2013	
Frederick M. Brown IV	Renewal App Pending	3/20/2013	
James Andruskiewicz	Renewal App Pending	1/7/2013	
<i>Principal</i>			
David Andrew Rome	Approved for Licensure	9/14/2011	9/13/2014
Jonathan Hamilton	Approved for Licensure	2/29/2012	2/27/2015
Kathleen M. Regan-Pyne	Approved for Licensure	8/18/2011	8/17/2014
Mark Sperry	Approved for Licensure	4/24/2013	4/23/2016
Thayne D. Hutchins, Jr.	Approved for Licensure	1/6/2011	1/5/2014
Bruce S. Bozsum	License Renewed	2/20/2013	2/19/2016
Leo M. Chupaska	License Renewed	4/24/2013	4/23/2016
Mark F. Brown	License Renewed	2/20/2013	2/19/2016
Mitchell G. Etess	License Renewed	4/3/2013	4/2/2016
Mario Kontomerkos	Pending	1/7/2013	
Cheryl Todd	Renewal App Pending	7/26/2012	
Ralph J. Gessner, Jr.	Renewal App Pending	7/26/2012	
Robert J. Soper	Renewal App Pending	1/24/2013	
William Quidgeon Jr	Renewal App Pending	7/26/2012	
<i>Principal Entity</i>			
Mill Creek Land, LP	Renewal App Pending	7/26/2012	
Mohegan Commercial Ventures PA, LLC	Renewal App Pending	7/26/2012	
Northeast Concessions, LP	Renewal App Pending	7/26/2012	
<i>Endeka Entertainment, L.P.</i>			
<i>Affiliate</i>			
AHT Land, LP	Pending	6/3/2013	
American Harness Tracks, LLC	Pending	6/3/2013	
Endeka LLC	Pending	6/3/2013	
Penn National Gaming, Inc.	Pending	6/4/2013	
SD Tuxepo GP, LLC	Pending	6/4/2013	
SDSSL Tuxepo Investors, LP	Pending	6/3/2013	
<i>Facility-Category 1</i>			
Endeka Entertainment, L.P.	Pending	6/3/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Principal</i>			
Barbara Z. Shattuck	Pending	6/4/2013	
Brooke Silver	Pending	6/3/2013	
Charles Long Jr	Pending	6/3/2013	
Christine Biros	Pending	6/3/2013	
Desiree Ann Burke	Pending	6/4/2013	
Edward M. Snider	Pending	6/3/2013	
Ethan Silver	Pending	6/3/2013	
Francis T. Donaghue	Pending	6/4/2013	
Gregg William Hart	Pending	6/4/2013	
Harold Cramer	Pending	6/4/2013	
Jay Anthony Snowden	Pending	6/4/2013	
John M. Jacquemin	Pending	6/4/2013	
John V. Finamore	Pending	6/4/2013	
Jordan B. Savitch	Pending	6/4/2013	
Kyle Martin Sr	Pending	6/4/2013	
Manuel Stamatakis	Pending	6/3/2013	
Martin Ettin	Pending	6/3/2013	
Melissa Wendy Silver	Pending	6/4/2013	
Peter D. DePaul	Pending	6/4/2013	
Peter M. Carlino	Pending	6/4/2013	
Remi Silver	Pending	6/4/2013	
Robert S. Ippolito	Pending	6/4/2013	
Saul Reibstein	Pending	6/4/2013	
Taryn Silver	Pending	6/4/2013	
Thomas Leonard III	Pending	6/3/2013	
Timothy J. Wilmott	Pending	6/4/2013	
William J. Clifford	Pending	6/4/2013	
Wesley Edens	Renewal App Pending	6/4/2013	
<i>Principal Entity</i>			
FIF V PFD LLC	Pending	6/4/2013	
Melisa Silver Casino Trust	Pending	6/4/2013	
The Carlino Family Trust	Pending	6/4/2013	
<i>Greenwood Gaming and Entertainment, Inc.</i>			
<i>Affiliate</i>			
Bensalem Park Maintenance, Ltd.	Approved for Licensure	9/16/2010	9/15/2013
Bettor Technology, Inc.	Approved for Licensure	9/16/2010	9/15/2013
Casino Food Services Inc.	Approved for Licensure	9/16/2010	9/15/2013
Green Racing Management Company	Approved for Licensure	9/16/2010	9/15/2013
Greenwood Gaming Services Co.	Approved for Licensure	9/16/2010	9/15/2013
Greenwood Table Game Services, Inc.	Approved for Licensure	11/20/2012	11/19/2015
Keystone Park Services, Co.	Approved for Licensure	9/16/2010	9/15/2013
Greenwood G&E Holding, Inc.	License Renewed	9/16/2010	9/15/2013
Greenwood Racing, Inc.	License Renewed	9/16/2010	9/15/2013
International Turf Investment Company, Inc.	License Renewed	9/16/2010	9/15/2013
Koorinal Holdings B.V.	License Renewed	9/16/2010	9/15/2013
Koorinal Holdings Curacao N.V.	License Renewed	9/16/2010	9/15/2013

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Facility-Category 1</i>			
Greenwood Gaming and Entertainment, Inc.	License Renewed	9/16/2010	9/15/2013
<i>Key Employee</i>			
Ari Mizrachi	Approved for Licensure	6/28/2011	6/27/2014
Carrie Anne Nork-Minelli	Approved for Licensure	1/6/2011	1/5/2014
Dale Edward Walton	Approved for Licensure	1/6/2011	1/5/2014
John Joseph Martinelli	Approved for Licensure	3/23/2011	3/22/2014
Joshua David Hofbauer	Approved for Licensure	8/18/2011	8/17/2014
Judson James Boyer	Approved for Licensure	6/28/2011	6/27/2014
Nicolle Marie Miller	Approved for Licensure	1/6/2011	1/5/2014
Pablo Fernando Dishman	Approved for Licensure	6/28/2011	6/27/2014
Rosemarie McElroy	Approved for Licensure	2/8/2012	2/7/2015
Steven Arthur Fayne	Approved for Licensure	11/20/2012	11/19/2015
David Lee Kessler	Inactive-Approved for Licensure	11/10/2011	9/13/2014
John Gary Luderitz	Inactive-Approved for Licensure	1/20/2012	9/13/2014
Leonard M. DeAngelo	Inactive-Approved for Licensure	1/20/2012	9/13/2014
Robert Warren Kahler	Inactive-Approved for Licensure	12/15/2011	4/27/2014
Allen N. Strauss	License Renewed	11/20/2012	11/19/2015
Anne Johnson	License Renewed	7/29/2010	7/28/2013
Arthur J. Dixon	License Renewed	1/9/2013	1/8/2016
Bette A. Strauss	License Renewed	11/20/2012	11/19/2015
Bryan P. Schroeder	License Renewed	6/28/2011	6/27/2014
Darlene Monzo	License Renewed	6/28/2011	6/27/2014
David Ziegler	License Renewed	8/18/2011	8/17/2014
David L. Norcutt, Sr.	License Renewed	4/3/2013	4/2/2016
Francis E. McDonnell	License Renewed	1/9/2013	1/8/2016
Gary E. Prestage	License Renewed	6/28/2011	6/27/2014
Matthew W. Hayes	License Renewed	7/29/2010	7/28/2013
Remaitha Polite	License Renewed	1/6/2011	1/5/2014
Richelle Ruemeli	License Renewed	4/3/2013	4/2/2016
Ronald W. Davis	License Renewed	1/6/2011	1/5/2014
Terry McCarthy	License Renewed	7/29/2010	7/28/2013
Thomas C. Bonner	License Renewed	7/29/2010	7/28/2013
Andrew Goldberg	Pending	4/9/2013	
Marc Allen Oppenheimer	Pending	12/4/2012	
Andrew J. Green	Renewal App Pending	9/13/2012	
Anthony Gilbert Faranca	Renewal App Pending	1/17/2013	
Gerald Fretz	Renewal App Pending	2/28/2013	
Matthew W. Hayes	Renewal App Pending	5/31/2013	
Robert J. Kirby	Renewal App Pending	9/17/2012	
Thomas C. Bonner	Renewal App Pending	5/31/2013	
Vatche Manoukian	Renewal App Pending	11/28/2012	
<i>Principal</i>			
James Lane	License Renewed	9/16/2010	9/15/2013
Richard J. Kendle	License Renewed	9/16/2010	9/15/2013
Robert W. Green	License Renewed	9/16/2010	9/15/2013
Terrence A. Everett	License Renewed	9/16/2010	9/15/2013

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Watche A. Manoukian	License Renewed	9/16/2010	9/15/2013
William E. Hogwood	License Renewed	9/16/2010	9/15/2013
Bryan Eugene Bartlett	Pending	1/3/2013	
David Charles Budd	Pending	8/10/2011	
Anthony D. Ricci, Jr.	Renewal App Pending	11/28/2012	
Joseph William Wilson	Renewal App Pending	3/26/2013	
<i>Principal Entity</i>			
Bensalem Racing Association, Inc.	License Renewed	9/16/2010	9/15/2013
Keystone Turf Club, Inc.	License Renewed	9/16/2010	9/15/2013
Rock Limited	License Renewed	9/16/2010	9/15/2013
ITIC/ITAC LLC	Pending	4/6/2012	
<i>Mountainview Thoroughbred Racing Association</i>			
<i>Affiliate</i>			
Penn Tenant, LLC	Pending	5/31/2013	
eBetUSA.com, Inc.	Renewal App Pending	11/7/2012	
Penn National Gaming, Inc.	Renewal App Pending	11/7/2012	
Pennsylvania National Turf Club, Inc.	Renewal App Pending	11/7/2012	
<i>Facility-Category 1</i>			
Mountainview Thoroughbred Racing Association	Renewal App Pending	11/14/2012	
<i>Key Employee</i>			
Anthony P. Casdia	Approved for Licensure	6/28/2011	6/27/2014
Brian Klees	Approved for Licensure	7/29/2010	7/28/2013
Charles Berdinis	Approved for Licensure	2/24/2011	2/23/2014
David John Pagerly	Approved for Licensure	7/29/2010	7/28/2013
Diane Genese Cline	Approved for Licensure	7/29/2010	7/28/2013
Gary Bruce Pecorello II	Approved for Licensure	2/8/2012	2/7/2015
Javon Quentin White	Approved for Licensure	7/29/2010	7/28/2013
Joelle Elizabeth Shearin	Approved for Licensure	3/21/2012	3/20/2015
Joseph D Lombardi	Approved for Licensure	10/27/2010	10/26/2013
Lucretia A. Fetcho	Approved for Licensure	7/29/2010	7/28/2013
Murdo Alexander Montgomery	Approved for Licensure	6/28/2011	6/27/2014
Nicholas Tylwalk	Approved for Licensure	7/29/2010	7/28/2013
Stephanie Kohr	Approved for Licensure	11/22/2011	11/21/2014
Susan Reyes	Approved for Licensure	3/21/2012	3/20/2015
Timothy O Shea	Approved for Licensure	1/29/2013	1/28/2016
Zachary C Zarnoch	Approved for Licensure	6/28/2011	6/27/2014
Anthony Ciallella	Inactive-Approved for Licensure	8/9/2012	7/28/2013
Daniel Benjamin Womer	Inactive-Approved for Licensure	5/3/2011	7/28/2013
David Lawrence Nesko	Inactive-Approved for Licensure	5/31/2012	7/28/2013
Donna Lorraine Byers	Inactive-Approved for Licensure	10/12/2011	7/28/2013
Francis Edward Quigley	Inactive-Approved for Licensure	4/3/2013	7/28/2013
Jeremy Todd Hughes	Inactive-Approved for Licensure	5/30/2013	7/28/2013
Laura Ann Muniz	Inactive-Approved for Licensure	1/17/2012	7/28/2013
Ronald Eugene Schlecht Jr	Inactive-Approved for Licensure	3/28/2012	3/20/2015
David Christopher Minor	Inactive-Renewed	3/28/2013	7/28/2013
Gretchen E. Garrity	Inactive-Renewed	5/7/2012	8/17/2014
Stephanie Dunkerley	Inactive-Renewed	9/6/2011	6/27/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Tanya Pappas	Inactive-Renewed	8/16/2011	7/28/2013
Charles Vincent Dissinger Jr	License Renewed	7/29/2010	7/28/2013
Chy N Stewart	License Renewed	8/18/2011	8/17/2014
Craig Edward Gunkel	License Renewed	8/18/2011	8/17/2014
Danielle Espenshade	License Renewed	7/29/2010	7/28/2013
Harry Sam Garula III	License Renewed	7/29/2010	7/28/2013
Jared Strouphauer	License Renewed	8/18/2011	8/17/2014
John C. Newman, Sr.	License Renewed	11/20/2012	11/19/2015
Ronald Dawkins	License Renewed	10/13/2011	10/12/2014
Steven M. Houle	License Renewed	7/29/2010	7/28/2013
Bruce Bryant Young	Pending	5/15/2013	
Gloria Jean Ballentine	Pending	9/27/2012	
Lisa R. Watts	Pending	1/10/2013	
Thomas Allen Beauchamp	Pending	11/12/2012	
William Hayles	Pending	6/14/2013	
Danielle Espenshade	Renewal App Pending	5/30/2013	
Javon Quentin White	Renewal App Pending	5/30/2013	
Lucretia A. Fetcho	Renewal App Pending	5/30/2013	
Steven M. Houle	Renewal App Pending	5/30/2013	
<i>Principal</i>			
Desiree Ann Burke	Approved for Licensure	10/6/2010	10/5/2013
Francis T. Donaghue	Approved for Licensure	5/2/2012	5/1/2015
Jay Anthony Snowden	Approved for Licensure	3/21/2012	3/20/2015
Kyle Martin Sr	Approved for Licensure	4/14/2011	4/13/2014
Saul Reibstein	Approved for Licensure	7/11/2012	7/10/2015
Barbara Z. Shattuck	Renewal App Pending	11/7/2012	
Gregg William Hart	Renewal App Pending	6/22/2012	
Harold Cramer	Renewal App Pending	11/7/2012	
John M. Jacquemin	Renewal App Pending	11/7/2012	
John V. Finamore	Renewal App Pending	11/7/2012	
Jordan B. Savitch	Renewal App Pending	11/7/2012	
Peter M. Carlino	Renewal App Pending	11/9/2012	
Robert S. Ippolito	Renewal App Pending	11/9/2012	
Timothy J. Wilmott	Renewal App Pending	6/22/2012	
Wesley Edens	Renewal App Pending	6/22/2012	
William J. Clifford	Renewal App Pending	11/7/2012	
<i>Principal Entity</i>			
Baron Capital Group, Inc. and its subsidiaries	Notification Received	12/14/2010	
Capital World Investors a Division of Capital Research and Management Company	Notification Received	4/8/2011	
Harris Associates L.P.	Notification Received	3/1/2012	
Teachers Advisors, Inc.	Notification Received	3/27/2013	
TIAA-CREF Investment Management, LLC	Notification Received	3/27/2013	
Gaming and Leisure Properties, Inc.	Pending	5/31/2013	
GLP Capital Partners, LLC	Pending	5/31/2013	
GLP Capital, L.P.	Pending	5/31/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
FIF V PFD LLC	Renewal App Pending	6/22/2012	
The Carlino Family Trust	Renewal App Pending	11/9/2012	
<i>Presque Isle Downs, Inc</i>			
<i>Affiliate</i>			
Gameco Holdings, Inc.	License Renewed	7/20/2011	7/19/2014
Jacobs Entertainment, Inc.	License Renewed	7/20/2011	7/19/2014
Jacobs Family Control Trust dated 9/27/05, Stanley R. Gorom III, Trustee	License Renewed	7/20/2011	7/19/2014
Jacobs Family Economic Trust dated 9/27/05, Stanley R. Gorom III, Trustee	License Renewed	7/20/2011	7/19/2014
Jacobs Investments, Inc.	License Renewed	7/20/2011	7/19/2014
MTR Gaming Group, Inc.	License Renewed	7/20/2011	7/19/2014
<i>Facility-Category 1</i>			
Presque Isle Downs, Inc	License Renewed	7/20/2011	7/19/2014
<i>Key Employee</i>			
Barry Rice	Approved for Licensure	11/22/2011	11/21/2014
Brian Staaf	Approved for Licensure	2/8/2012	2/7/2015
Daniel Eugene Weston	Approved for Licensure	11/22/2011	11/21/2014
Erick Conrad Friedman	Approved for Licensure	6/28/2011	6/27/2014
Kevin John Ryan	Approved for Licensure	6/28/2011	6/27/2014
Lisa Ann Younkins	Approved for Licensure	1/26/2011	1/25/2014
Mark Joseph Waldinger	Approved for Licensure	11/22/2011	11/21/2014
Joseph Leonard Smith Jr	Inactive-Approved for Licensure	12/14/2012	11/21/2014
Karl Thomas Lewis	Inactive-Approved for Licensure	7/13/2011	6/20/2013
Mariana Skonieczka	Inactive-Approved for Licensure	3/28/2011	6/20/2013
Patrick John Smith	Inactive-Approved for Licensure	5/23/2012	11/21/2014
Richard A. O'Leary	Inactive-Approved for Licensure	6/30/2011	6/27/2014
Stuart M. Hoffman	Inactive-Renewed	11/18/2010	6/20/2013
Thomas William Moore	Inactive-Renewed	8/16/2012	11/21/2014
Daniel Terry Cuic	License Renewed	6/21/2010	6/20/2013
David Allen Bates	License Renewed	8/18/2011	8/17/2014
Mark S. Vommaro	License Renewed	6/21/2010	6/20/2013
Matthew C. Ennis	License Renewed	5/2/2012	5/1/2015
Rita D. Smith	License Renewed	11/22/2011	11/21/2014
Stephen Paul Danowski	License Renewed	2/10/2011	2/9/2014
Stephen Paul Wagner	License Renewed	6/28/2011	6/27/2014
Erica Marie Pietranton	Pending	8/13/2012	
Larry Bruce Honeycutt Jr	Pending	10/15/2012	
Michael Tamburelli	Pending	2/17/2012	
Wendy Lyn Young	Pending	3/29/2012	
Jennifer A. See	Renewal App Pending	1/27/2012	
Roseane Law Paligo	Renewal App Pending	8/6/2012	
Scott Stoller	Renewal App Pending	2/8/2012	
Shayne Morrow	Renewal App Pending	9/11/2012	
<i>Principal</i>			
Fred Anthony Buro	Approved for Licensure	5/23/2012	5/22/2015
Narciso Alejandro Rodriguez-Cayro	Approved for Licensure	1/6/2011	1/5/2014
Raymond K Lee	Approved for Licensure	7/20/2011	7/19/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Vincent James Azzarello	Approved for Licensure	7/20/2011	7/19/2014
Jeffrey Jay Dahl	Inactive-Approved for Licensure	6/7/2013	7/10/2015
Caroline M. Jacobs	License Renewed	7/20/2011	7/19/2014
Claire L. Jacobs	License Renewed	7/20/2011	7/19/2014
Edson R. Arneault	License Renewed	11/18/2010	11/17/2013
Hanna R. Jacobs	License Renewed	7/20/2011	7/19/2014
James V. Stanton	License Renewed	7/20/2011	7/19/2014
Jeffrey P. Jacobs	License Renewed	7/20/2011	7/19/2014
Jeffrey P. Jacobs II	License Renewed	7/20/2011	7/19/2014
John W. Bittner	License Renewed	7/20/2011	7/19/2014
Lynda L. Jacobs	License Renewed	7/20/2011	7/19/2014
Renee E. Jacobs	License Renewed	7/20/2011	7/19/2014
Richard Jacobs	License Renewed	7/20/2011	7/19/2014
Richard F. Delatore	License Renewed	7/20/2011	7/19/2014
Robert A. Blatt	License Renewed	7/20/2011	7/19/2014
Rose M. Williams	License Renewed	7/20/2011	7/19/2014
Stanley R. Gorom III	License Renewed	7/20/2011	7/19/2014
Steven Michael Billick	License Renewed	7/20/2011	7/19/2014
Thomas F. Trygar	License Renewed	7/20/2011	7/19/2014
Joseph Larry Billhimer	Pending	11/29/2011	
<i>Principal Entity</i>			
Jeffrey P. Jacobs Revocable Trust, under Declaration of Trust dated July 10, 2000. Jeffrey P. Jacobs, Trustee	Approved for Licensure	7/20/2011	7/19/2014
Arbiter Partners QP, LP	Notification Received	3/18/2011	
Brigade Capital Management, LLC	Notification Received	6/17/2011	
Fort Hoosac Management LLC (DBA Arbiter Partners QP LP)	Notification Received	3/18/2011	
Lafitte Capital Management, LP	Notification Received	4/6/2012	
PAR Capital Management, Inc. (investment advisor to PAR Investment Partners LP)	Notification Received	12/29/2011	
PAR Investment Partners, L.P.	Notification Received	3/21/2012	
<i>Washington Trotting Association, Inc.</i>			
<i>Affiliate</i>			
Bareage Pty Limited	Approved for Licensure	2/24/2011	2/23/2014
Cairnton Holdings Limited	Approved for Licensure	2/24/2011	2/23/2014
Cairnton Pty Limited	Approved for Licensure	2/24/2011	2/23/2014
Consolidated Custodians International Limited	Approved for Licensure	2/24/2011	2/23/2014
Consolidated Press Financial Services PTY Limited	Approved for Licensure	2/24/2011	2/23/2014
Consolidated Press Holdings Limited	Approved for Licensure	2/24/2011	2/23/2014
Consolidated Press International Holdings Limited	Approved for Licensure	2/24/2011	2/23/2014
Consolidated Press International Limited	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Group Holdings One Pty Ltd	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Group Holdings Two Pty Ltd	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Group Investments One, LLC	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Group Investments Two, LLC	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Holdings General Partnership	Approved for Licensure	2/24/2011	2/23/2014
Crown CCR Holdings, LLC	Approved for Licensure	2/24/2011	2/23/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Crown Entertainment Group Holdings Pty Ltd	Approved for Licensure	2/24/2011	2/23/2014
Crown Group Finance Limited	Approved for Licensure	2/24/2011	2/23/2014
Crown Limited	Approved for Licensure	2/24/2011	2/23/2014
Northkom Pty Limited	Approved for Licensure	2/24/2011	2/23/2014
Cannery Casino Resorts, LLC	License Renewed	8/18/2011	8/17/2014
Millennium Gaming, Inc.	License Renewed	8/18/2011	8/17/2014
Mountain Laurel Racing, Inc.	License Renewed	8/18/2011	8/17/2014
OCM AcquisitionCo, LLC	License Renewed	8/18/2011	8/17/2014
OCM Blocker, LLC	License Renewed	8/18/2011	8/17/2014
OCM HoldCo, LLC	License Renewed	8/18/2011	8/17/2014
OCM VoteCo, LLC	License Renewed	8/18/2011	8/17/2014
PA Meadows, LLC	License Renewed	8/18/2011	8/17/2014
PA MezzCo, LLC	License Renewed	8/18/2011	8/17/2014
<i>Facility-Category 1</i>			
Washington Trotting Association, Inc.	License Renewed	8/18/2011	8/17/2014
<i>Key Employee</i>			
Bradley Michael Simpson	Approved for Licensure	10/13/2011	10/12/2014
Camille Renae Kobrys	Approved for Licensure	5/15/2013	5/14/2016
David Gerard Wiegmann	Approved for Licensure	8/1/2012	7/31/2015
Elliott Anthony Frazier	Approved for Licensure	2/24/2011	2/23/2014
Frances A Scharf	Approved for Licensure	9/16/2010	9/15/2013
George Brian Beinhauer	Approved for Licensure	10/13/2011	10/12/2014
Jamie Ellen Wright	Approved for Licensure	1/6/2011	1/5/2014
Janet Nicole Denson	Approved for Licensure	7/29/2010	7/28/2013
Jerri Lynn Corfont-Anesetti	Approved for Licensure	7/29/2010	7/28/2013
John Schussler	Approved for Licensure	8/18/2011	8/17/2014
Kathleen Louise Prieto	Approved for Licensure	10/13/2011	10/12/2014
Lance Brady Young	Approved for Licensure	10/13/2011	10/12/2014
Mark Jonathon Peters	Approved for Licensure	8/18/2011	8/17/2014
Martin Louis Kolovich	Approved for Licensure	10/13/2011	10/12/2014
Monique Lanae Stewart	Approved for Licensure	11/22/2011	11/21/2014
Nicole Newlon Zimmerman	Approved for Licensure	11/22/2011	11/21/2014
Peggy L Battistella	Approved for Licensure	8/18/2011	8/17/2014
Phillip Eugene Barnett	Approved for Licensure	11/22/2011	11/21/2014
Rose A Eger	Approved for Licensure	8/18/2011	8/17/2014
Sandra L Davidson	Approved for Licensure	9/16/2010	9/15/2013
Sean Sullivan	Approved for Licensure	5/25/2011	5/24/2014
Steven William Hartmann	Approved for Licensure	7/29/2010	7/28/2013
Susan Marie Pro	Approved for Licensure	1/26/2011	1/25/2014
Tanya Kay Kash	Approved for Licensure	6/13/2012	6/12/2015
Timothy Bedillion	Approved for Licensure	8/18/2011	8/17/2014
Todd A Wagner	Approved for Licensure	7/29/2010	7/28/2013
Jennifer M Siller	Inactive-Approved for Licensure	3/9/2011	6/20/2013
Tracy M Mihalek	Inactive-Approved for Licensure	5/29/2013	1/5/2014
Karen E Baughman	License Renewed	6/21/2010	6/20/2013
Kery Lee Chase	License Renewed	8/18/2011	8/17/2014
Sherry F. Salisbury	License Renewed	2/24/2011	2/23/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Timothy Timko	License Renewed	10/13/2011	10/12/2014
Jennifer R Zaramba	Pending	8/4/2011	
Kevin Patrick Brogan	Pending	6/10/2013	
Adrian Richard Ashmore	Renewal App Pending	1/19/2012	
Alannah Jeanne Taylor	Renewal App Pending	11/26/2012	
Catherine Morganti	Renewal App Pending	7/10/2012	
Deborah L. Hauser	Renewal App Pending	8/27/2012	
Jill M Eden	Renewal App Pending	1/9/2013	
Karen E Baughman	Renewal App Pending	4/29/2013	
Kelly C. Harvison	Renewal App Pending	8/22/2012	
Kevin Michael Salo	Renewal App Pending	1/5/2012	
Mary C. McGrath	Renewal App Pending	6/27/2012	
Michael E. Jeannot	Renewal App Pending	1/3/2013	
Michael J. Jankoviak	Renewal App Pending	1/23/2012	
Michael Steven Keelon	Renewal App Pending	1/3/2013	
Pamela M Reuter	Renewal App Pending	1/3/2013	
Steven William Hartmann	Renewal App Pending	5/28/2013	
Virginia M. Schussler	Renewal App Pending	8/27/2012	
<i>Principal</i>			
Ashok P. Jacob	Approved for Licensure	2/24/2011	2/23/2014
Benjamin Alexander Brazil	Approved for Licensure	6/5/2013	6/4/2016
Brenda Lorraine Decker	Approved for Licensure	5/15/2013	5/14/2016
Gretel Packer	Approved for Licensure	2/24/2011	2/23/2014
James D. Packer	Approved for Licensure	2/24/2011	2/23/2014
John H. Alexander	Approved for Licensure	2/24/2011	2/23/2014
Kenneth McRae Barton	Approved for Licensure	8/18/2011	8/17/2014
Michael J. Neilson	Approved for Licensure	2/24/2011	2/23/2014
Michael R. Johnston	Approved for Licensure	2/24/2011	2/23/2014
Rowen B. Craigie	Approved for Licensure	2/24/2011	2/23/2014
Rowena Danziger	Approved for Licensure	2/24/2011	2/23/2014
Bruce A. Karsh	License Renewed	8/18/2011	8/17/2014
Carl Stix	License Renewed	8/18/2011	8/17/2014
David M. Kirchheimer	License Renewed	8/18/2011	8/17/2014
Guy T. Hillyer	License Renewed	8/18/2011	8/17/2014
Howard S. Marks	License Renewed	8/18/2011	8/17/2014
John B. Frank	License Renewed	8/18/2011	8/17/2014
Ronald N. Beck	License Renewed	8/18/2011	8/17/2014
Ryan S. Toland	License Renewed	8/18/2011	8/17/2014
Sheldon M. Stone	License Renewed	8/18/2011	8/17/2014
Stephen A. Kaplan	License Renewed	8/18/2011	8/17/2014
Thomas A. Lettero	License Renewed	8/18/2011	8/17/2014
William C. Wortman	License Renewed	8/18/2011	8/17/2014
William Joseph Paulos	License Renewed	8/18/2011	8/17/2014
Xavier Bernard Walsh	License Renewed	8/18/2011	8/17/2014
Thomas J. Gallagher	Pending	7/12/2012	
Michael A. Day	Renewal App Pending	4/9/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Gilbert Victor Cohen	Request for Withdrawal Pending	6/11/2013	
Heidi June Hamers	Request to Surrender License	6/11/2013	1/17/2015
<i>Principal Entity</i>			
Cannery Casino Resorts Finance Corporation	Approved for Licensure	5/11/2011	5/10/2014
Custodians Settlement (No.8)	Approved for Licensure	2/24/2011	2/23/2014
TSG Developments US Financing Inc	Approved for Licensure	5/15/2013	5/14/2016
CCR Pennsylvania Food Service, Inc.	License Renewed	8/18/2011	8/17/2014
CCR Pennsylvania Racing, Inc.	License Renewed	8/18/2011	8/17/2014
CCR Racing Management	License Renewed	8/18/2011	8/17/2014
Magna Entertainment Corporation	License Renewed	8/18/2011	8/17/2014
OCM InvestCo, LLC	License Renewed	8/18/2011	8/17/2014
Facility-Category 2 Application			
<i>Holdings Acquisition Co, L.P.</i>			
<i>Affiliate</i>			
Rivers Pittsburgh Finance Corp.	Approved for Licensure	5/23/2012	5/22/2015
2002 AGB Family Dynasty Trust	License Renewed	9/14/2011	9/13/2014
2002 LNB Family Dynasty Trust	License Renewed	9/14/2011	9/13/2014
High Pitt Gaming GP, L.L.C.	License Renewed	9/14/2011	9/13/2014
High Pitt Gaming, LP	License Renewed	9/14/2011	9/13/2014
Holdings Acquisition Co GP, L.L.C	License Renewed	9/14/2011	9/13/2014
Holdings Gaming Borrower GP, L.L.C	License Renewed	9/14/2011	9/13/2014
Meredith A. Bluhm-Wolf 2006 Family GST Trust	License Renewed	9/14/2011	9/13/2014
PITG Gaming Investor Holdings, LLC	License Renewed	9/14/2011	9/13/2014
Pittsburgh Gaming Holdings GP, L.L.C..	License Renewed	9/14/2011	9/13/2014
Pittsburgh Gaming Holdings, L.P.	License Renewed	9/14/2011	9/13/2014
Pittsburgh Gaming Investors GP, LLC	License Renewed	9/14/2011	9/13/2014
Pittsburgh Gaming Investors Intermediate, LLC	License Renewed	9/14/2011	9/13/2014
Pittsburgh Gaming Investors, LP	License Renewed	9/14/2011	9/13/2014
Rivers Pittsburgh Borrower, L.P.	License Renewed	9/14/2011	9/13/2014
Walton Majestic Star Holdings VI GP, LLC	License Renewed	9/14/2011	9/13/2014
Walton Majestic Star Holdings VI, L.P.	License Renewed	9/14/2011	9/13/2014
Walton Street Managers VI, LP	License Renewed	9/14/2011	9/13/2014
WSC Managers VI, Inc.	License Renewed	9/14/2011	9/13/2014
<i>Facility-Category 2</i>			
Holdings Acquisition Co, L.P.	License Renewed	9/14/2011	9/13/2014
<i>Key Employee</i>			
Adam David Fischer	Approved for Licensure	5/25/2011	5/24/2014
Benjamin Bruce Hetrick	Approved for Licensure	8/19/2010	8/18/2013
Craig Clark	Approved for Licensure	5/15/2013	5/14/2016
Dana Starr Picciarelli	Approved for Licensure	7/29/2010	7/28/2013
Dannielle Elizabeth Cisneros	Approved for Licensure	10/13/2011	10/12/2014
Felix Manuel Diaz	Approved for Licensure	10/13/2011	10/12/2014
James Daniel Cahill	Approved for Licensure	7/11/2012	7/10/2015
John Wayne Couth	Approved for Licensure	5/2/2012	5/1/2015
Mark Konrad Wolz	Approved for Licensure	8/18/2011	8/17/2014
Michael Duane O'Brien	Approved for Licensure	5/1/2013	8/17/2014
Richard Allan Fitzsimmons	Approved for Licensure	1/29/2013	1/28/2016

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Robert Dennis Harsch	Approved for Licensure	7/29/2010	7/28/2013
Suzanne Mary Trout	Approved for Licensure	8/1/2012	7/31/2015
Thomas Quigley	Approved for Licensure	8/19/2010	8/18/2013
Timothy R. Mura	Approved for Licensure	8/18/2011	8/17/2014
William Charles Winkelried	Approved for Licensure	8/18/2011	8/17/2014
William J Stepien	Approved for Licensure	8/18/2011	8/17/2014
Zelletta Marie Wyatt	Approved for Licensure	4/24/2013	4/23/2016
Brian Michael Kernan	Inactive-Approved for Licensure	1/26/2012	3/22/2014
Giorgio Isella	Inactive-Approved for Licensure	11/8/2012	10/12/2014
Gregory James Kupetz	Inactive-Approved for Licensure	9/22/2011	7/28/2013
Helen Carrie Kessler	Inactive-Approved for Licensure	2/27/2012	3/22/2014
Jerry Michael Davis	Inactive-Approved for Licensure	6/16/2011	7/28/2013
Joseph Patrick Barrett Sr	Inactive-Approved for Licensure	11/18/2011	5/24/2014
Lisa Nicole Smart	Inactive-Approved for Licensure	12/17/2012	8/17/2014
Robert George Dering	Inactive-Approved for Licensure	11/28/2012	7/28/2013
Ryan Mark Hatch	Inactive-Approved for Licensure	8/23/2012	7/28/2013
Sharon Marie Baughman	Inactive-Approved for Licensure	8/16/2010	7/28/2013
Tim Lee Pugh	Inactive-Approved for Licensure	8/30/2011	8/17/2014
Timothy Andrew Hill	Inactive-Approved for Licensure	9/14/2012	10/12/2014
Timothy Edward Anderson	Inactive-Approved for Licensure	2/4/2011	7/28/2013
Rhonda L. Gilchrist	License Renewed	1/6/2011	1/5/2014
Brian F. Block	Pending	1/15/2013	
Charles Samuel Green	Pending	10/21/2011	
Daniel Richard Smith	Pending	12/3/2012	
John David Manning	Pending	4/25/2013	
John Robert Boyle	Pending	10/17/2011	
Jonathan Michael Angelo	Pending	8/18/2011	
Lorraine Nancy Clanton	Pending	2/26/2013	
Robert Deane Guthrie	Pending	12/3/2012	
Robert E Neff	Pending	5/14/2012	
Shawn Timothy Cassatt	Pending	9/11/2012	
Todd David Watkins	Pending	11/2/2011	
Tyrone Thompson	Pending	5/30/2013	
Andre Joseph Barnabei	Renewal App Pending	2/22/2012	
Robert Dennis Harsch	Renewal App Pending	5/28/2013	
Thomas Quigley	Renewal App Pending	5/31/2013	
<i>Principal</i>			
Abraham T Han	Approved for Licensure	5/15/2013	5/14/2016
David G. Patent	Approved for Licensure	8/18/2011	8/17/2014
Jon Soren Reynertson	Approved for Licensure	7/11/2012	7/10/2015
Joseph Richard Scibetta	Approved for Licensure	9/14/2011	9/13/2014
Andrew G. Bluhm	License Renewed	9/14/2011	9/13/2014
Anna Bea Wolf	License Renewed	9/14/2011	9/13/2014
Cooper Benjamin Bluhm	License Renewed	9/14/2011	9/13/2014
Emmett Gordon Bluhm	License Renewed	9/14/2011	9/13/2014
Eric C. Mogentale	License Renewed	9/14/2011	9/13/2014
Gregory Carlin	License Renewed	9/14/2011	9/13/2014
Hudson Jonah Bluhm	License Renewed	9/14/2011	9/13/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Ira J. Schulman	License Renewed	9/14/2011	9/13/2014
Ira M. Lubert	License Renewed	9/14/2011	9/13/2014
James Morris Wolf	License Renewed	9/14/2011	9/13/2014
Jeffrey S. Quicksilver	License Renewed	9/14/2011	9/13/2014
Kenneth J. Weaver	License Renewed	9/14/2011	9/13/2014
Leslie N. Bluhm	License Renewed	9/14/2011	9/13/2014
Meredith A. Bluhm-Wolf	License Renewed	9/14/2011	9/13/2014
Neil Bluhm	License Renewed	9/14/2011	9/13/2014
Nicholas Bluhm Helfand	License Renewed	9/14/2011	9/13/2014
William Gordon Helfand	License Renewed	9/14/2011	9/13/2014
<i>Principal Entity</i>			
General Retirement System of the City of Detroit	Approved for Licensure	9/14/2011	9/13/2014
PGI Senior Preferred Holdings, L.P.	Approved for Licensure	9/14/2011	9/13/2014
PGI Senior Preferred Holdings GP, L.L.C.	Approved for Licensure	9/14/2011	9/13/2014
Police and Fire Retirement System of the City of Detroit	Approved for Licensure	9/14/2011	9/13/2014
Rush Street Gaming Partners, LLC	Approved for Licensure	9/14/2011	9/13/2014
Rush Street Gaming, LLC	Approved for Licensure	9/14/2011	9/13/2014
Cira Pittsburgh Gaming Investor GP, LLC	License Renewed	9/14/2011	9/13/2014
Cira Pittsburgh Gaming Investor, L.P.	License Renewed	9/14/2011	9/13/2014
GAC Oversight, L.L.C.	License Renewed	9/14/2011	9/13/2014
PGO GP, L.L.C.	License Renewed	9/14/2011	9/13/2014
PGO, L.P.	License Renewed	9/14/2011	9/13/2014
<i>Market East Associates, LP</i>			
<i>Affiliate</i>			
Inner-City Gaming, LLC	Pending	11/15/2012	
MainLine MEA GP, LLC	Pending	2/14/2013	
MainLine MEA Partners, L.P.	Pending	2/14/2013	
Market East GG Investors, L.P.	Pending	11/15/2012	
Market East GP, LLC	Pending	11/15/2012	
MGA Holding PA, LLC	Pending	2/14/2013	
Mohegan Gaming Advisors, LLC	Pending	2/14/2013	
Mohegan Tribal Gaming Authority	Pending	2/14/2013	
Mohegan Tribe of Indians of Connecticut	Pending	4/10/2013	
<i>Facility-Category 2</i>			
Market East Associates, LP	Pending	11/15/2012	
<i>Principal</i>			
Bernard W. Smalley, Sr.	Pending	11/15/2012	
Bruce S. Bozsum	Pending	2/14/2013	
Cheryl Todd	Pending	2/14/2013	
Cheryl Joan McKissack Daniel	Pending	2/14/2013	
David Andrew Rome	Pending	2/14/2013	
David Jason Adelman	Pending	2/4/2013	
Dennis E. Cook	Pending	11/15/2012	
Gary Van Hettinga	Pending	2/14/2013	
Ira M. Lubert	Pending	11/15/2012	
Jonathan Hamilton	Pending	2/14/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Kathleen M. Regan-Pyne	Pending	2/14/2013	
Kenneth Neil Goldenberg	Pending	11/15/2012	
Mario Kontomerkos	Pending	2/14/2013	
Mark F. Brown	Pending	2/14/2013	
Mark Morgan Sperry	Pending	4/24/2013	
Michael Heller	Pending	11/15/2012	
Mitchell G. Etes	Pending	2/14/2013	
Ralph J. Gessner, Jr.	Pending	2/14/2013	
Thayne D. Hutchins, Jr.	Pending	2/14/2013	
William Quidgeon Jr	Pending	2/14/2013	
William A Landman	Pending	1/22/2013	
Willie F. Johnson	Pending	11/15/2012	
<i>Mount Airy #1, LLC</i>			
<i>Facility-Category 2</i>			
Mount Airy #1, LLC	License Renewed	8/22/2012	8/21/2015
<i>Key Employee</i>			
Darlene Y Mattis	Approved for Licensure	1/9/2013	1/8/2016
David Matthew Mullen	Approved for Licensure	11/8/2012	11/7/2015
Dennis Asselta	Approved for Licensure	9/14/2011	9/13/2014
Frances Kneisc	Approved for Licensure	6/13/2012	6/12/2015
John Culetsu	Approved for Licensure	9/14/2011	9/13/2014
John C. Carroll	Approved for Licensure	7/29/2010	7/28/2013
Michael Edward Jordan	Approved for Licensure	8/18/2011	8/17/2014
Michelle Getz	Approved for Licensure	6/21/2010	6/20/2013
Tonia Ribble Lewis	Approved for Licensure	8/1/2012	7/31/2015
Vincent L. Jordan	Approved for Licensure	5/23/2012	5/22/2015
Zeng Huang	Approved for Licensure	9/12/2012	9/11/2015
Allan W. Swantek	Inactive-Approved for Licensure	1/5/2012	9/13/2014
James William Tuthill	Inactive-Approved for Licensure	3/7/2013	8/17/2014
Michelle A Zimmerman	Inactive-Approved for Licensure	8/9/2012	11/21/2014
Talya Dawn Moskauski	Inactive-Approved for Licensure	4/8/2013	7/28/2013
Wyval Rosamilia	Inactive-Approved for Licensure	8/13/2012	11/21/2014
Andrew C. Barth	Inactive-Renewed	8/26/2011	8/17/2014
Amy L. Ferrara	License Renewed	8/18/2011	8/17/2014
Eric M. Talipan	License Renewed	8/18/2011	8/17/2014
Gerard Coggins	License Renewed	8/18/2011	8/17/2014
Henry Patrick Burke	License Renewed	8/18/2011	8/17/2014
Lianne L.P. Asbury	License Renewed	1/9/2013	1/8/2016
Mark Williams	License Renewed	8/18/2011	8/17/2014
Matthew G. Magda	License Renewed	7/29/2010	7/28/2013
Shontae R. Vallejo	License Renewed	8/18/2011	8/17/2014
Joseph Louis DeNaples	Pending	10/31/2012	
Charles B. Miller	Renewal App Pending	2/6/2013	
Edmondo Granci	Renewal App Pending	2/19/2013	
John C. Carroll	Renewal App Pending	5/28/2013	
Marie T. Sauers	Renewal App Pending	2/4/2013	
Matthew G. Magda	Renewal App Pending	3/5/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Paul J. Edwards	Renewal App Pending	2/8/2013	
Richard W. Whitby	Renewal App Pending	1/15/2013	
Robert J. Phillips	Renewal App Pending	2/8/2013	
Vincent M. Viola	Renewal App Pending	2/6/2013	
<i>Principal</i>			
Angelina Dileo	Approved for Licensure	8/22/2012	8/21/2015
Anne E. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Christina M. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Dominica P. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Dominick L. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Dominique Dileo	Approved for Licensure	8/22/2012	8/21/2015
Donna D. Dileo	Approved for Licensure	8/22/2012	8/21/2015
Elizabeth M. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Gabrielle A. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Izabella S. Glodzik	Approved for Licensure	8/22/2012	8/21/2015
Julian S. Glodzik	Approved for Licensure	8/22/2012	8/21/2015
Lawrence L. Cole	Approved for Licensure	12/16/2010	12/15/2013
Louis A. DeNaples III	Approved for Licensure	8/22/2012	8/21/2015
Louis A. DeNaples, Jr.	Approved for Licensure	8/22/2012	8/21/2015
Lucian Patrick Ross	Approved for Licensure	12/16/2010	12/15/2013
Nicola S. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Paul D. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Saverio S. DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Sophia S. Glodzik	Approved for Licensure	8/22/2012	8/21/2015
Thomas Patrick Cummings Sr	Approved for Licensure	12/6/2011	12/5/2014
Lisa A. DeNaples	License Renewed	8/22/2012	8/21/2015
<i>Principal Entity</i>			
Grantor Trust—II of Anne DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Grantor Trust—II of Dominica DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Grantor Trust—II of Donna DiLeo	Approved for Licensure	8/22/2012	8/21/2015
Grantor Trust—II of Louis D. DeNaples, Jr.	Approved for Licensure	8/22/2012	8/21/2015
Trust—II f/b/o Children of Margaret Mary Glodzik	Approved for Licensure	8/22/2012	8/21/2015
Trust—II f/b/o Children of Nicholas DeNaples	Approved for Licensure	8/22/2012	8/21/2015
Grantor Trust—II of Lisa DeNaples	License Renewed	8/22/2012	8/21/2015
Mount Airy Holdco LLC	License Renewed	8/22/2012	8/21/2015
<i>PA Gaming Ventures, LLC</i>			
<i>Affiliate</i>			
Penn National Gaming, Inc.	Pending	11/15/2012	
Philadelphia Casino Benefit Corp.	Pending	11/15/2012	
<i>Facility-Category 2</i>			
PA Gaming Ventures, LLC	Pending	11/15/2012	
<i>Principal</i>			
Barbara Z. Shattuck	Pending	11/15/2012	
Desiree Ann Burke	Pending	11/15/2012	
Donna Nicoletti Ferrier	Pending	11/15/2012	
Francis T. Donaghue	Pending	11/15/2012	
Gregg William Hart	Pending	11/15/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Harold Cramer	Pending	11/15/2012	
Jay Anthony Snowden	Pending	11/15/2012	
John M. Jacquemin	Pending	11/15/2012	
John V. Finamore	Pending	11/15/2012	
Jordan B. Savitch	Pending	11/15/2012	
Joseph Domenico	Pending	11/15/2012	
Joseph Ferrier	Pending	3/1/2013	
Kyle Martin Sr	Pending	11/15/2012	
Lori Anne Peruto	Pending	11/15/2012	
Mark Robert Nicoletti	Pending	11/15/2012	
Peter M. Carlino	Pending	11/15/2012	
Robert S. Ippolito	Pending	11/15/2012	
Saul Reibstein	Pending	11/15/2012	
Timothy J. Wilmott	Pending	11/15/2012	
Wesley Edens	Pending	11/15/2012	
William J. Clifford	Pending	11/15/2012	
<i>Principal Entity</i>			
Baron Capital Group, Inc. and its subsidiaries	Notification Received	12/17/2012	
Harris Associates L.P.	Notification Received	12/19/2012	
Delvest Corp.	Pending	12/17/2012	
FIF V PFD LLC	Pending	11/15/2012	
J.D. Shore Financial LLC	Pending	2/13/2013	
The Carlino Family Trust	Pending	11/15/2012	
The Nicoletti Family Trust	Pending	3/1/2013	
The Robert Nicoletti Family Trust	Request for Withdrawal Pending	4/18/2013	
<i>Phila. Entertainment and Development Partners, LP</i>			
<i>Key Employee</i>			
Nicholas Francis Moles	Request for Withdrawal Pending	9/26/2012	
<i>PHL Local Gaming, LLC</i>			
<i>Facility-Category 2</i>			
PHL Local Gaming, LLC	Pending	11/16/2012	
<i>Principal</i>			
Barry James Edmonson	Pending	2/8/2013	
Bennett Perry Lomax	Pending	2/8/2013	
Craig Frederick Sullivan	Pending	2/8/2013	
Harlan Gordon Oppenheim	Pending	2/8/2013	
John P. Burke	Pending	2/8/2013	
Joseph Gabriel Procacci	Pending	11/15/2012	
Joseph Justin Canfora	Pending	11/15/2012	
Mark Andrew Sterbens Sr	Pending	2/8/2013	
Peter Anthony Ferro Jr	Pending	2/8/2013	
Teresa Ann Canfora	Pending	2/14/2013	
Walter Pleasant Lomax Jr	Pending	2/8/2013	
<i>Principal Entity</i>			
J2RP Capital, LLC	Pending	2/15/2013	
Pleasant Hill Partners, LLC	Pending	2/8/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Sands Bethworks Gaming, LLC</i>			
<i>Affiliate</i>			
BethWorks FP, LLC	Renewal App Pending	12/28/2012	
BethWorks GGQ, LLC	Renewal App Pending	12/28/2012	
BethWorks Now, LLC	Renewal App Pending	12/28/2012	
Las Vegas Sands Corporation	Renewal App Pending	12/27/2012	
Las Vegas Sands, LLC	Renewal App Pending	12/28/2012	
Sands Pennsylvania, Inc.	Renewal App Pending	12/28/2012	
Venetian Casino Resort, LLC	Renewal App Pending	12/28/2012	
<i>Facility-Category 2</i>			
Sands Bethworks Gaming, LLC	Renewal App Pending	12/28/2012	
<i>Key Employee</i>			
Bart Anthony Algozzini	Approved for Licensure	2/20/2013	2/19/2016
Beau Yeoman	Approved for Licensure	1/29/2013	1/28/2016
Brian Kingsley Bigornia	Approved for Licensure	7/29/2010	7/28/2013
Charlene V Munoz	Approved for Licensure	7/29/2010	7/28/2013
Charles William Krueger	Approved for Licensure	7/29/2010	7/28/2013
Chris Whited	Approved for Licensure	7/29/2010	7/28/2013
David Jeremy Faust	Approved for Licensure	10/13/2011	10/12/2014
David John Prutzman	Approved for Licensure	7/29/2010	7/28/2013
Elizabeth Ann Peil	Approved for Licensure	7/29/2010	7/28/2013
James L. Dougherty	Approved for Licensure	2/20/2013	2/19/2016
Joan Lee Gregg-Peacock	Approved for Licensure	7/29/2010	7/28/2013
JoAnn Mary Novatnack	Approved for Licensure	7/29/2010	7/28/2013
John Joseph Kennedy	Approved for Licensure	7/29/2010	7/28/2013
Karen Denise Winns	Approved for Licensure	1/6/2011	1/5/2014
Karen Louise Slotter	Approved for Licensure	3/23/2011	3/22/2014
Laura Chow	Approved for Licensure	1/29/2013	1/28/2016
Lisa Ann Csondor	Approved for Licensure	4/28/2011	4/27/2014
Marcy Lynn Seltzer	Approved for Licensure	7/29/2010	7/28/2013
Michael David Brodnan	Approved for Licensure	10/27/2010	10/26/2013
Nicole D Cox	Approved for Licensure	7/29/2010	7/28/2013
Paul Anthony Greco	Approved for Licensure	2/20/2013	2/19/2016
Richard Edward Snyder	Approved for Licensure	1/6/2011	1/5/2014
Sandra Marie Brotzman	Approved for Licensure	7/29/2010	7/28/2013
Scott Howard Lewis	Approved for Licensure	7/29/2010	7/28/2013
Sean Michael Prue	Approved for Licensure	7/29/2010	7/28/2013
Steven Milton Wentzel	Approved for Licensure	7/29/2010	7/28/2013
Sukanya (Conderino) Nathomphon Bigornia	Approved for Licensure	7/29/2010	7/28/2013
Tyler B Arthur	Approved for Licensure	10/6/2010	10/5/2013
David Takeo Omura	Inactive-Approved for Licensure	5/21/2012	7/28/2013
Deborah Kay Miller	Inactive-Approved for Licensure	9/10/2010	7/28/2013
Jessica Ashley Allen	Inactive-Approved for Licensure	3/9/2011	1/5/2014
Joshua Robert Mill	Inactive-Approved for Licensure	3/9/2011	1/5/2014
Leanne Weinstein	Inactive-Approved for Licensure	1/31/2011	7/28/2013
Lisa Marie Chirichella	Inactive-Approved for Licensure	6/6/2013	1/5/2014
Mark John Evans	Inactive-Approved for Licensure	12/28/2011	7/28/2013

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Matthew Allan Smolowitz	Inactive-Approved for Licensure	5/7/2012	10/5/2013
Matthew Warren Harris	Inactive-Approved for Licensure	5/28/2013	7/28/2013
Michael John Burke	Inactive-Approved for Licensure	6/17/2011	1/5/2014
Troy Lester Bundy	Inactive-Approved for Licensure	10/20/2011	7/28/2013
Joseph Merrill Gainer	Inactive-Renewed	10/11/2011	7/28/2013
David Neil Terry	License Renewed	2/20/2013	2/19/2016
Denise M. Galloway	License Renewed	12/20/2011	12/19/2014
Kathleen Marie McCracken	License Renewed	2/20/2013	2/19/2016
Kevin W. Brady	License Renewed	1/18/2012	1/17/2015
Michael David Trageser	License Renewed	1/29/2013	1/28/2016
Michele D. Trageser	License Renewed	8/18/2011	8/17/2014
Richard George Tony	License Renewed	1/29/2013	1/28/2016
Robert John DeSalvio	License Renewed	8/18/2011	8/17/2014
Albert Leckerman	Pending	10/4/2012	
Calvin Quach	Pending	10/19/2012	
Frank Playo	Pending	1/11/2013	
Charlene V Munoz	Renewal App Pending	5/21/2013	
Douglas Scott Niethold	Renewal App Pending	12/19/2012	
John Joseph Kennedy	Renewal App Pending	5/21/2013	
<i>Principal</i>			
Christopher John James Cahill	Approved for Licensure	1/29/2013	1/28/2016
Gayle Madilee Hyman	Approved for Licensure	6/13/2012	6/12/2015
Ira Raphaelson	Approved for Licensure	1/29/2013	1/28/2016
Jason N. Ader	Approved for Licensure	10/6/2010	10/5/2013
Jeffrey Howard Schwartz	Approved for Licensure	12/20/2011	12/19/2014
John Peter Caparella	Approved for Licensure	7/11/2012	7/10/2015
Kenneth Jeffrey Kay	Approved for Licensure	11/22/2011	11/21/2014
Kimberly Kay McCabe	Approved for Licensure	4/28/2011	4/27/2014
Michael A. Leven	Approved for Licensure	10/13/2011	10/12/2014
Michael Alan Quartieri	Approved for Licensure	2/8/2012	2/7/2015
Robert C Rubenstein	Approved for Licensure	4/28/2011	4/27/2014
Timothy Dennis Stein	Approved for Licensure	4/28/2011	4/27/2014
Timothy Edwards Notaro	Approved for Licensure	11/20/2012	11/19/2015
Gary Steven Hernishin	Inactive-Approved for Licensure	6/14/2013	4/27/2014
Irwin Chafetz	Pending	6/22/2012	
Jonathan Ian Solomon	Pending	3/1/2013	
Barry M. Gosin	Renewal App Pending	12/31/2012	
Daniel William Eitnier	Renewal App Pending	8/6/2012	
Frederick H. Kraus	Renewal App Pending	12/28/2012	
Irwin A. Siegel	Renewal App Pending	12/27/2012	
James C. Schwartzman	Renewal App Pending	12/28/2012	
James D. Kuhn	Renewal App Pending	12/28/2012	
Jason N. Ader	Renewal App Pending	12/27/2012	
Jeffrey Howard Schwartz	Renewal App Pending	12/27/2012	
Michael A. Leven	Renewal App Pending	12/28/2012	
Michael J. Perrucci	Renewal App Pending	12/28/2012	
Miriam Ochshorn Adelson	Renewal App Pending	8/17/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Pasquale T. Deon	Renewal App Pending	12/27/2012	
Richard S. Fischbein	Renewal App Pending	12/27/2012	
Robert G. Goldstein	Renewal App Pending	12/27/2012	
Sheldon G. Adelson	Renewal App Pending	12/28/2012	
<i>Principal Entity</i>			
Sheldon G. Adelson 2007 Friends and Family Trust	Approved for Licensure	2/20/2013	2/19/2016
Sheldon G. Adelson 2007 Remainder Trust	Approved for Licensure	2/20/2013	2/19/2016
Sheldon G. Adelson December 2008 Three Year LVS Annuity Trust	Approved for Licensure	4/28/2011	4/27/2014
<i>Stadium Casino, LLC</i>			
<i>Affiliate</i>			
Greenwood Racing, Inc.	Pending	11/15/2012	
International Turf Investment Company, Inc.	Pending	11/15/2012	
Koorungal Holdings B.V.	Pending	11/15/2012	
Koorungal Holdings Curacao N.V.	Pending	11/15/2012	
Stadium Casino Baltimore Investors, LLC	Pending	11/15/2012	
Stadium Casino Investors, LLC	Pending	11/15/2012	
<i>Facility-Category 2</i>			
Stadium Casino, LLC	Pending	11/16/2012	
<i>Key Employee</i>			
Thomas C. Bonner	Pending	11/15/2012	
<i>Principal</i>			
Anthony D. Ricci, Jr.	Pending	11/15/2012	
Aram Vatche Manoukian	Pending	11/15/2012	
Blake Louis Cordish	Pending	11/15/2012	
Bryan Eugene Bartlett	Pending	2/6/2013	
Charles Franklin Jacobs	Pending	11/15/2012	
David Charles Budd	Pending	11/16/2012	
James Lane	Pending	11/15/2012	
Jonathan Ashley Cordish	Pending	11/15/2012	
Joseph Sidney Weinberg	Pending	11/15/2012	
Joseph William Wilson	Pending	11/15/2012	
Karnig Watche Manoukian	Pending	11/15/2012	
Reed Sanders Cordish	Pending	11/15/2012	
Richard J. Kendle	Pending	11/15/2012	
Robert W. Green	Pending	11/15/2012	
Terrence A. Everett	Pending	11/15/2012	
Watche A. Manoukian	Pending	11/15/2012	
William E. Hogwood	Pending	11/15/2012	
Yeghiche Watche Manoukian	Pending	11/15/2012	
<i>Principal Entity</i>			
Cordish Family II, LLC	Pending	11/15/2012	
ITIC/ITAC LLC	Pending	11/15/2012	
Rock Limited	Pending	11/15/2012	
Sterling Fiduciary Services, Inc.	Pending	11/15/2012	
Sterling Investors Trust	Pending	11/15/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Sugarhouse HSP Gaming, LP</i>			
<i>Affiliate</i>			
Sugarhouse HSP Gaming Finance Corp.	Approved for Licensure	3/23/2011	3/22/2014
2002 AGB Family Dynasty Trust	License Renewed	10/13/2011	10/12/2014
2002 LNB Family Dynasty Trust	License Renewed	10/13/2011	10/12/2014
2005 AAA Trust	License Renewed	10/13/2011	10/12/2014
High Penn Gaming, LLC	License Renewed	10/13/2011	10/12/2014
High Penn Gaming, LP	License Renewed	10/13/2011	10/12/2014
HP Gaming Partners, LP	License Renewed	10/13/2011	10/12/2014
HSP Gaming, LP	License Renewed	10/13/2011	10/12/2014
Meredith A. Bluhm-Wolf 2006 Family GST Trust	License Renewed	10/13/2011	10/12/2014
Neil G. Bluhm Family Descendants Trust	License Renewed	10/13/2011	10/12/2014
RMP Gaming, LLC	License Renewed	10/13/2011	10/12/2014
RMP Gaming, LP	License Renewed	10/13/2011	10/12/2014
RPRS Gaming, LLC	License Renewed	10/13/2011	10/12/2014
RPRS Gaming, LP	License Renewed	10/13/2011	10/12/2014
Sugarhouse HSP Gaming Prop. GP, LLC	License Renewed	10/13/2011	10/12/2014
Sugarhouse HSP Gaming Prop. Holdings GP, LLC	License Renewed	10/13/2011	10/12/2014
Sugarhouse HSP Gaming Prop. Holdings, LP	License Renewed	10/13/2011	10/12/2014
Sugarhouse HSP Gaming Prop. Mezz GP, LLC	License Renewed	10/13/2011	10/12/2014
Sugarhouse HSP Gaming Prop. Mezz, LP	License Renewed	10/13/2011	10/12/2014
<i>Facility-Category 2</i>			
Sugarhouse HSP Gaming, LP	License Renewed	10/13/2011	10/12/2014
<i>Key Employee</i>			
Anthony P. Dilacqua	Approved for Licensure	5/23/2012	5/22/2015
Charlene Ruffin	Approved for Licensure	7/29/2010	7/28/2013
Charles Steven Sanderson	Approved for Licensure	4/24/2013	4/23/2016
Janice Marie Swank	Approved for Licensure	10/13/2011	10/12/2014
Jeffrey M. Lear	Approved for Licensure	11/22/2011	11/21/2014
John A. Ranere Jr	Approved for Licensure	1/18/2012	1/17/2015
Leigh Nicole Whitaker	Approved for Licensure	1/9/2013	1/8/2016
Linda M Powers	Approved for Licensure	5/25/2011	5/24/2014
Lynette M Lee	Approved for Licensure	11/22/2011	11/21/2014
Mary Denise Harris	Approved for Licensure	1/9/2013	1/8/2016
Mary L. Cheeks	Approved for Licensure	11/22/2011	11/21/2014
Patricia Sue Tuck	Approved for Licensure	12/20/2011	12/19/2014
Randi Lynn Talley	Approved for Licensure	11/22/2011	11/21/2014
Robert D Williams	Approved for Licensure	11/8/2012	11/7/2015
Robert Gerard Christopher	Approved for Licensure	4/3/2013	4/2/2016
Robert Louis Smith Jr	Approved for Licensure	1/9/2013	1/8/2016
Rosemarie A. Cook	Approved for Licensure	11/22/2011	11/21/2014
Suzanne Mary Trout	Approved for Licensure	8/1/2012	7/31/2015
Tamitha T Dinkins	Approved for Licensure	2/8/2012	2/7/2015
Thomas John Scott	Approved for Licensure	11/22/2011	11/21/2014
Victoria L. Tilton	Approved for Licensure	5/23/2012	5/22/2015
Wendy A. Hamilton	Approved for Licensure	9/14/2011	9/13/2014
William Larmour	Approved for Licensure	9/14/2011	9/13/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Zelletta Marie Wyatt	Approved for Licensure	4/24/2013	4/23/2016
George Ciechanowski	Inactive-Approved for Licensure	11/22/2011	9/13/2014
George C. Mancuso	Inactive-Renewed	1/28/2011	7/28/2013
Erin M. McMenamain	License Renewed	5/23/2012	5/22/2015
Jared D. Emmer	License Renewed	7/29/2010	7/28/2013
Jesse Eugene Schell	License Renewed	1/18/2012	1/17/2015
Lisa Susanne Reilly	License Renewed	7/29/2010	7/28/2013
Nicholas C. Kontonicolos	License Renewed	7/29/2010	7/28/2013
Kathleen Elaine Jones	Pending	8/30/2012	
Lorraine K. Koc	Pending	5/10/2012	
Timothy Joseph Drehkoff	Pending	5/2/2012	
Lisa Susanne Reilly	Renewal App Pending	5/28/2013	
Michael Rodriguez	Renewal App Pending	1/20/2012	
Nicholas C. Kontonicolos	Renewal App Pending	5/28/2013	
<i>Principal</i>			
David G. Patent	Approved for Licensure	8/18/2011	8/17/2014
Joseph Richard Scibetta	Approved for Licensure	10/13/2011	10/12/2014
Alexander Brockway Potamkin	License Renewed	10/13/2011	10/12/2014
Alura L. Potamkin	License Renewed	10/13/2011	10/12/2014
Andrew G. Bluhm	License Renewed	10/13/2011	10/12/2014
Anna B. Wolf	License Renewed	10/13/2011	10/12/2014
Ayla Potamkin	License Renewed	10/13/2011	10/12/2014
Barbara A. Sprague	License Renewed	10/13/2011	10/12/2014
Cooper B. Bluhm	License Renewed	10/13/2011	10/12/2014
Daniel J. Keating	License Renewed	10/13/2011	10/12/2014
Emmett G. Bluhm	License Renewed	10/13/2011	10/12/2014
Gregory A. Carlin	License Renewed	10/13/2011	10/12/2014
Hudson J. Bluhm	License Renewed	10/13/2011	10/12/2014
James M. Wolf	License Renewed	10/13/2011	10/12/2014
Jerry Johnson	License Renewed	10/13/2011	10/12/2014
Leslie N. Bluhm	License Renewed	10/13/2011	10/12/2014
Lexie H. Potamkin	License Renewed	10/13/2011	10/12/2014
Meredith A. Bluhm-Wolf	License Renewed	10/13/2011	10/12/2014
Neil G. Bluhm	License Renewed	10/13/2011	10/12/2014
Nicholas B. Helfand	License Renewed	10/13/2011	10/12/2014
Richard A. Sprague	License Renewed	10/13/2011	10/12/2014
Robert M. Potamkin	License Renewed	10/13/2011	10/12/2014
Thomas A. Sprague	License Renewed	10/13/2011	10/12/2014
William G. Helfand	License Renewed	10/13/2011	10/12/2014
William H. Lamb	License Renewed	10/13/2011	10/12/2014
<i>Principal Entity</i>			
High Penn Oversight GP, LLC	Approved for Licensure	10/13/2011	10/12/2014
High Penn Oversight, LP	Approved for Licensure	10/13/2011	10/12/2014
Rush Street Gaming Partners, LLC	Approved for Licensure	9/14/2011	9/13/2014
Rush Street Gaming, LLC	Approved for Licensure	9/14/2011	9/13/2014
LAMB Company, LLC	License Renewed	10/13/2011	10/12/2014
Lamb Partners	License Renewed	10/13/2011	10/12/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Tower Entertainment, LLC</i>			
<i>Affiliate</i>			
GFIL Holdings, LLC	Pending	2/14/2013	
Isle of Capri Casinos, Inc.	Pending	2/14/2013	
Tower Gaming, LLC	Pending	11/13/2012	
Seminole Hard Rock Entertainment, Inc.	Request for Withdrawal Pending	2/7/2013	
Seminole HR Holdings, LLC	Request for Withdrawal Pending	2/7/2013	
SHRE/SHRI, LLC	Request for Withdrawal Pending	2/7/2013	
<i>Facility-Category 2</i>			
Tower Entertainment, LLC	Pending	11/13/2012	
<i>Principal</i>			
Alan J. Glazer	Pending	2/15/2013	
Arnold Lee Block	Pending	2/15/2013	
Barton Ira Blatstein	Pending	11/13/2012	
Dale R. Black	Pending	2/15/2013	
Edmund L. Quatmann Jr	Pending	2/15/2013	
James Benn Perry	Pending	2/15/2013	
Jeffrey D. Goldstein	Pending	2/15/2013	
Richard A. Goldstein	Pending	2/14/2013	
Robert S. Goldstein	Pending	2/15/2013	
Scott E. Schubert	Pending	2/14/2013	
Timothy A. Ilsley	Pending	2/14/2013	
Virginia M. McDowell	Pending	2/14/2013	
Billie-Motlow Agnes	Request for Withdrawal Pending	2/7/2013	
Brad Buchanan	Request for Withdrawal Pending	2/7/2013	
Carla Susan Gopher	Request for Withdrawal Pending	2/7/2013	
Elrod Daniel Bowers	Request for Withdrawal Pending	2/7/2013	
Henry Walter Hornbostel	Request for Withdrawal Pending	2/7/2013	
James Francis Allen	Request for Withdrawal Pending	2/7/2013	
Jim Shore	Request for Withdrawal Pending	2/7/2013	
Michael D. Rumbolz	Request for Withdrawal Pending	2/7/2013	
Robert Gips	Request for Withdrawal Pending	2/7/2013	
<i>Principal Entity</i>			
400 North Broad GenPar, Inc.	Pending	11/13/2012	
400 North Broad Partners, LP	Pending	11/13/2012	
B.I. Isle Partnership, L.P.	Pending	2/15/2013	
Goldstein Group, Inc.	Pending	2/14/2013	
<i>Wynn PA, Inc.</i>			
<i>Affiliate</i>			
Wynn Resorts, Limited	Pending	11/15/2012	
<i>Facility-Category 2</i>			
Wynn PA, Inc.	Pending	11/15/2012	
<i>Principal</i>			
Alvin Shoemaker	Pending	11/15/2012	
Daniel Boone Wayson	Pending	11/15/2012	
Elaine Wynn	Pending	11/15/2012	
John Hagenbuch	Pending	1/29/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
John Strzemp	Pending	11/15/2012	
Kevin Tourek	Pending	11/15/2012	
Kimmarie Sinatra	Pending	11/15/2012	
Matthew Maddox	Pending	11/15/2012	
Robert J. Miller	Pending	11/15/2012	
Stephen Wynn	Pending	11/15/2012	
Marc Schorr	Request for Withdrawal Pending	4/5/2013	
<i>Principal Entity</i>			
Marsico Capital Management, LLC	Notification Received	12/14/2012	
Waddell & Reed Investment Management Co; Ivy Investment Management Company	Notification Received	11/16/2012	
Facility-Category 3 Application			
<i>Valley Forge Convention Center Partners, L.P.</i>			
<i>Affiliate</i>			
CMS Gaming GP, LLC	Approved for Licensure	4/28/2011	4/27/2014
CMS Gaming Partners Q, L.P.	Approved for Licensure	4/28/2011	4/27/2014
CMS VF GP, LLC	Approved for Licensure	4/28/2011	4/27/2014
CMS VF Partners, L.P.	Approved for Licensure	4/28/2011	4/27/2014
<i>Key Employee</i>			
Alexis Luis Figueras	Approved for Licensure	4/11/2012	4/10/2015
Anthony Spagno	Approved for Licensure	11/20/2012	11/19/2015
Gilbert L. Morrissey III	Approved for Licensure	6/5/2013	6/4/2016
Jennifer Reese	Approved for Licensure	4/3/2013	4/2/2016
Leslie Silva	Approved for Licensure	4/3/2013	4/2/2016
Michael Joseph Gartner	Approved for Licensure	6/13/2012	6/12/2015
Michael Stephen Bowman	Approved for Licensure	11/20/2012	11/19/2015
Nicole Fawn Head	Approved for Licensure	6/5/2013	6/4/2016
Rosemarie Cope	Approved for Licensure	5/15/2013	5/14/2016
William Francis Mikus	Approved for Licensure	6/13/2012	6/12/2015
Brian P. Reynolds	Inactive-Renewed	11/19/2012	8/17/2014
Normand J. Mullan	License Renewed	4/3/2013	4/2/2016
Van Q Chau	Pending	5/12/2011	
Joseph Mark Busby	Request for Withdrawal Pending	10/24/2012	
<i>Principal</i>			
Tommy Rosenfeld	Approved for Licensure	8/18/2011	8/17/2014
William A Landman	Approved for Licensure	4/28/2011	4/27/2014
Barbara Evans	License Renewed	8/18/2011	8/17/2014
Ira M. Lubert	License Renewed	8/18/2011	8/17/2014
Jonathan Lubert	License Renewed	8/18/2011	8/17/2014
Kenneth Kochenour	License Renewed	8/18/2011	8/17/2014
Michael Heller	License Renewed	8/18/2011	8/17/2014
Richard T. Aljian	Pending	11/7/2011	
<i>Principal Entity</i>			
CANAM Enterprises, LLC	Approved for Licensure	8/18/2011	8/17/2014
CanAm PA GP V, LLC	Approved for Licensure	8/18/2011	8/17/2014
CanAm Pennsylvania Regional Center, LLC	Approved for Licensure	8/18/2011	8/17/2014
Carpenters Pension and Annuity Fund of Philadelphia and Vicinity	Approved for Licensure	5/25/2011	5/24/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
CMS VRE II Partners	Approved for Licensure	4/28/2011	4/27/2014
ILVF Consulting GP, LLC	Approved for Licensure	9/12/2012	9/11/2015
ILVF Consulting, LP	Approved for Licensure	8/1/2012	7/31/2015
Pennsylvania Regional Center, LP V	Approved for Licensure	8/18/2011	8/17/2014
Valley Forge Colonial Limited Partnership	License Renewed	8/18/2011	8/17/2014
Valley Forge Convention Center Partners GP, LLC	License Renewed	8/18/2011	8/17/2014
VF Colonial GP, LLC	License Renewed	8/18/2011	8/17/2014
<i>Woodlands Fayette, LLC</i>			
<i>Affiliate</i>			
2001 Irrevocable Trust for Margaret H. Magerko	Approved for Licensure	4/14/2011	4/13/2014
GFIL Holdings, LLC	Approved for Licensure	1/9/2013	1/8/2016
Isle of Capri Casinos, Inc.	Approved for Licensure	1/9/2013	1/8/2016
Nemacolin Woodlands, Inc.	Approved for Licensure	4/14/2011	4/13/2014
<i>Facility-Category 3</i>			
Woodlands Fayette, LLC	Approved for Licensure	4/14/2011	4/13/2014
<i>Key Employee</i>			
Amanda Marie Loveland	Approved for Licensure	4/24/2013	4/23/2016
Christopher Robin Schroder	Approved for Licensure	6/5/2013	6/4/2016
Danielle Marie Grimley	Approved for Licensure	6/5/2013	6/4/2016
David B Davison	Approved for Licensure	6/12/2013	8/17/2014
Mark Edward Starrett	Approved for Licensure	8/18/2011	8/17/2014
Michael Robert Prokop	Approved for Licensure	6/5/2013	6/4/2016
Delora Reyes Winchell	Pending	5/30/2013	
Francis Paul Ciuffetelli	Pending	4/11/2013	
Hyder Ali Jaffer	Pending	5/14/2013	
James Luden	Pending	4/23/2013	
James David Haston	Pending	3/18/2013	
Jason Douglas Brandl	Pending	4/18/2013	
Jennifer Lynn Netherland	Pending	3/14/2013	
Leeza B. Patel-Malinowski	Pending	5/14/2013	
Merryan G. Rutherford	Pending	2/4/2013	
Michael Paul Giunti	Pending	2/20/2013	
Patricia Lynn Kleuskens	Pending	4/23/2013	
Randall Gordon Burwell	Pending	4/18/2013	
Richard Martin Laudon	Pending	1/14/2013	
Ronda Vanata	Pending	4/11/2013	
Sarah Ann VanBoxtel	Pending	5/20/2013	
Stacey Ann Kehm	Pending	5/20/2013	
Stephen Lyon Orloff	Pending	4/18/2013	
<i>Principal</i>			
Alan J. Glazer	Approved for Licensure	1/9/2013	1/8/2016
Arnold Lee Block	Approved for Licensure	1/9/2013	1/8/2016
Cheri Lee Bomar	Approved for Licensure	4/14/2011	4/13/2014
Dale R. Black	Approved for Licensure	1/9/2013	1/8/2016
Douglas D. Burkhalter	Approved for Licensure	1/9/2013	1/8/2016
Edmund I. Quatmann Jr	Approved for Licensure	1/9/2013	1/8/2016
James Benn Perry	Approved for Licensure	1/9/2013	1/8/2016

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Jeffrey D. Goldstein	Approved for Licensure	1/9/2013	1/8/2016
Joseph Alexander Hardy III	Approved for Licensure	4/14/2011	4/13/2014
Lee S. Wielansky	Approved for Licensure	1/9/2013	1/8/2016
Margaret Ann Magerko	Approved for Licensure	4/14/2011	4/13/2014
Peter J. Magerko	Approved for Licensure	4/14/2011	4/13/2014
Richard A. Goldstein	Approved for Licensure	1/9/2013	1/8/2016
Robert S. Goldstein	Approved for Licensure	1/9/2013	1/8/2016
Scott E. Schubert	Approved for Licensure	1/9/2013	1/8/2016
Timothy A. Ilsley	Approved for Licensure	1/9/2013	1/8/2016
Virginia M. McDowell	Approved for Licensure	1/9/2013	1/8/2016
Jeanne-Marie Wilkins	Pending	4/18/2013	
Mary J. Britsch	Pending	5/20/2013	
William R. Baker	Request for Withdrawal Pending	10/23/2012	
<i>Principal Entity</i>			
B.I. Isle Partnership, L.P.	Approved for Licensure	1/9/2013	1/8/2016
Goldstein Group, Inc.	Approved for Licensure	1/9/2013	1/8/2016
Addison Clark Management, L.L.C.	Notification Received	12/14/2012	
Thompson, Siegel & Walmsley LLC	Notification Received	8/5/2010	
Slot Machine Manufacturer Application			
<i>Ainsworth Game Technology Limited</i>			
<i>Key Employee</i>			
John Fredric Glaser	Approved for Licensure	2/29/2012	2/27/2015
<i>Principal</i>			
Michael Bruce Yates	Approved for Licensure	5/23/2012	5/22/2015
Daniel E. Gladstone	Renewal App Pending	10/4/2012	
Graeme J. Campbell	Renewal App Pending	10/4/2012	
Ian W. Cooper	Renewal App Pending	10/4/2012	
Leonard H. Ainsworth	Renewal App Pending	10/4/2012	
Margarete C. Ainsworth	Renewal App Pending	10/4/2012	
Mark L. Ludski	Renewal App Pending	10/4/2012	
Paul Y.S. Teng	Renewal App Pending	10/4/2012	
Stewart L. Wallis	Renewal App Pending	10/4/2012	
Vincenzo C Bruzzese	Renewal App Pending	10/4/2012	
<i>Principal Entity</i>			
Associated World Investments Pty. Ltd.	Renewal App Pending	10/4/2012	
Votraint No. 1019 Pty. Limited (Trustee for Braesyde Superannuation Fund)	Renewal App Pending	10/4/2012	
<i>Slot Machine Manufacturer</i>			
<i>Ainsworth Game Technology Limited</i>	Renewal App Pending	10/4/2012	
<i>Aristocrat Technologies Australia Pty. Limited</i>			
<i>Affiliate</i>			
Aristocrat Holdings Pty. Ltd	Renewal App Pending	3/12/2013	
Aristocrat Leisure Limited	Renewal App Pending	2/5/2013	
<i>Principal</i>			
David Craig Philip Banks	Approved for Licensure	4/11/2012	4/10/2015
Ian David Blackburne	Approved for Licensure	11/22/2011	11/21/2014
Lewis Gerald Flock	Approved for Licensure	4/11/2012	4/10/2015

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Antonia Korsanos	Renewal App Pending	2/5/2013	
James R. Odell	Renewal App Pending	2/5/2013	
Paul L.H. Ainsworth	Renewal App Pending	2/5/2013	
Roger A. Davis	Renewal App Pending	2/5/2013	
Tracey L. Elkerton	Renewal App Pending	2/5/2013	
<i>Principal Entity</i>			
AXA Asia Pacific Holdings Limited	Notification Received	6/9/2008	
Commonwealth Bank Of Australia	Notification Received	7/18/2008	
Concord Capital Limited	Notification Received	9/11/2008	
IOOF Holdings Ltd	Notification Received	12/14/2007	
Lezard Asset Management Pacific Co.	Notification Received	9/11/2008	
Maple-Brown Abbott Limited	Notification Received	8/13/2008	
National Bank of Australia	Notification Received	9/11/2008	
Sumitomo Mitsui Trust Holdings, Inc.	Notification Received	9/23/2011	
The Capital Group Companies, Inc.	Notification Received	7/18/2008	
Westpac Banking Corp.	Notification Received	4/22/2008	
Writeman Pty. Limited	Renewal App Pending	2/5/2013	
<i>Slot Machine Manufacturer</i>			
Aristocrat Technologies Australia Pty. Limited	Renewal App Pending	2/5/2013	
<i>Aruze Gaming America, Inc.</i>			
<i>Principal</i>			
Kazuo Okada	Pending	9/21/2007	
Richard Michael Pennington	Pending	2/4/2011	
Robert B. Ziems	Pending	3/12/2013	
Yoshiharu Kawaji	Pending	10/24/2008	
Bryan Douglas Coy	Request for Withdrawal Pending	3/25/2013	
Salvatore "Sam" Anthony Basile	Request for Withdrawal Pending	3/15/2013	
<i>Slot Machine Manufacturer</i>			
Aruze Gaming America, Inc.	Pending	2/28/2006	
<i>Atlantic City Coin & Slot Service Company, Inc.</i>			
<i>Key Employee</i>			
Anthony Joseph Sicari	Inactive-Approved for Licensure	12/12/2012	8/17/2014
<i>Principal</i>			
David P. Wolfe	Request for Withdrawal Pending	1/11/2013	
Elizabeth Marian Ehresmann	Request for Withdrawal Pending	1/11/2013	
Jason Seelig	Request for Withdrawal Pending	1/11/2013	
Jeffrey Seelig	Request for Withdrawal Pending	1/11/2013	
Jerald C. Seelig	Request for Withdrawal Pending	1/11/2013	
Max Seelig	Request for Withdrawal Pending	1/11/2013	
Roberto A. Mignone	Request for Withdrawal Pending	1/11/2013	
Sean P. Evans	Request for Withdrawal Pending	1/11/2013	
Thomas McCormick	Request for Withdrawal Pending	1/11/2013	
<i>Principal Entity</i>			
ALEA Partners, LLC	Request for Withdrawal Pending	1/11/2013	
Max Seelig Revocable Trust	Request for Withdrawal Pending	1/11/2013	
<i>Slot Machine Manufacturer</i>			
Atlantic City Coin & Slot Service Company, Inc.	Request for Withdrawal Pending	1/11/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Blue Cube Microworks, LLC</i>			
<i>Principal</i>			
Jay Bradford Stone	Pending	3/20/2013	
Thomas Alan Miner	Pending	3/20/2013	
<i>Slot Machine Manufacturer</i>			
Blue Cube Microworks, LLC	Pending	3/20/2013	
<i>Ditronics Financial Services, LLC</i>			
<i>Affiliate</i>			
The Vasilakos Family Trust UDT 12/9/92	Pending	5/8/2013	
<i>Principal</i>			
George James Vasilakos	Pending	4/2/2013	
George Steven Vasilakos	Pending	4/2/2013	
Margaret Anna Vasilakos	Pending	4/2/2013	
Virginia Fetyko Vasilakos	Pending	5/8/2013	
<i>Slot Machine Manufacturer</i>			
Ditronics Financial Services, LLC	Pending	4/2/2013	
<i>Global Cash Access, Inc.</i>			
<i>Affiliate</i>			
Global Access Holdings, Inc.	Approved for Licensure	2/24/2011	2/23/2014
<i>Key Employee</i>			
Michael J. Aughney	Renewal App Pending	2/27/2013	
<i>Principal</i>			
David D. Johnson	Approved for Licensure	5/23/2012	5/22/2015
E. Miles Kilburn	Approved for Licensure	2/24/2011	2/23/2014
Fred C. Enlow	Approved for Licensure	2/24/2011	2/23/2014
Geoffrey Perona Judge	Approved for Licensure	2/24/2011	2/23/2014
Mark Foster Labay	Approved for Licensure	11/8/2012	11/7/2015
Mary Elizabeth Higgins	Approved for Licensure	11/8/2012	11/7/2015
Michael D. Rumbolz	Approved for Licensure	5/23/2012	5/22/2015
Patrick M. Olson	Approved for Licensure	2/24/2011	2/23/2014
Scott H. Betts	Approved for Licensure	2/24/2011	2/23/2014
David J. Lucchese	License Renewed	4/3/2013	4/2/2016
David Lopez	Pending	8/10/2012	
Randy Lee Taylor	Pending	3/25/2013	
<i>Principal Entity</i>			
BlackRock, Inc.	Notification Received	4/19/2010	
Columbia Management Investment Advisers, LLC	Notification Received	8/6/2012	
FMR Corp.	Notification Received	4/19/2010	
Huber Capital Management LLC	Notification Received	3/14/2012	
Private Capital Management, L.P.	Notification Received	10/26/2011	
Summit Partners	Notification Received	4/6/2010	
The Vanguard Group, Inc	Notification Received	10/19/2012	
Thompson, Siegel & Walmsley LLC	Notification Received	8/5/2010	
Wells Capital Management, Incorporated	Notification Received	4/19/2010	
Wolf Opportunity Fund, Ltd.	Notification Received	4/29/2011	
<i>Slot Machine Manufacturer</i>			
Global Cash Access, Inc.	Approved for Licensure	2/24/2011	2/23/2014

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>GTECH Corporation</i>			
<i>Affiliate</i>			
B & D Holdings di Marco Drago & C.S.A.p.A	License Renewed	10/27/2010	10/26/2013
De Agostini S.p.A.	License Renewed	10/27/2010	10/26/2013
GTECH Holdings Corporation	License Renewed	10/27/2010	10/26/2013
Invest Games S.A.	License Renewed	10/27/2010	10/26/2013
Lottomatica Group S.p.A	License Renewed	10/27/2010	10/26/2013
Blu Acquario Prima S.p.A.	Pending	2/25/2013	
New B&D Holding di Marco Drago e C.S.a.p.a.	Pending	10/5/2012	
<i>Key Employee</i>			
Robin Drummond	License Renewed	10/27/2010	10/26/2013
<i>Principal</i>			
Carlo Enrico Ferrari Ardicini	Approved for Licensure	4/14/2011	4/13/2014
Francesco Dominic Cecchini	Approved for Licensure	12/6/2011	12/5/2014
Matthew James Whalen	Approved for Licensure	6/5/2013	6/4/2016
Walter Giacomo Bugno	Approved for Licensure	12/6/2011	12/5/2014
John D. Anderson	Inactive-Approved for Licensure	9/30/2008	
Cornelia H.L. O'Connor	Inactive-Renewed	11/7/2011	10/26/2013
Donald W. Reilly	Inactive-Renewed	1/11/2011	10/26/2013
Gerhard H. Burda	Inactive-Renewed	11/7/2011	10/26/2013
Stefano Bortoli	Inactive-Renewed	7/19/2012	10/26/2013
Alan T. Eland	License Renewed	10/27/2010	10/26/2013
Alberto Boroli	License Renewed	10/27/2010	10/26/2013
Anthony L. Watson	License Renewed	10/27/2010	10/26/2013
Chiara M.G. Boroli	License Renewed	10/27/2010	10/26/2013
Giorgio G.C. Drago	License Renewed	10/27/2010	10/26/2013
Jaymin B. Patel	License Renewed	10/27/2010	10/26/2013
Lino Benassi	License Renewed	10/27/2010	10/26/2013
Luke Kenneth Orchard	License Renewed	10/27/2010	10/26/2013
Marco Boroli	License Renewed	10/27/2010	10/26/2013
Marco Drago	License Renewed	10/27/2010	10/26/2013
Marco Sala	License Renewed	10/27/2010	10/26/2013
Matthew Hughes	License Renewed	10/27/2010	10/26/2013
Michael K. Prescott	License Renewed	10/27/2010	10/26/2013
Paolo Boroli	License Renewed	10/27/2010	10/26/2013
Paolo Ceretti	License Renewed	10/27/2010	10/26/2013
Pietro Boroli	License Renewed	10/27/2010	10/26/2013
Rachel Barber	License Renewed	10/27/2010	10/26/2013
Renzo Lorenzo Pelliccioli	License Renewed	10/27/2010	10/26/2013
Roberto Drago	License Renewed	10/27/2010	10/26/2013
Ross W. Dalton	License Renewed	10/27/2010	10/26/2013
Severino Salvemini	License Renewed	10/27/2010	10/26/2013
Steven March	License Renewed	10/27/2010	10/26/2013
Victor Duarte	License Renewed	10/27/2010	10/26/2013
Alberto Dessy	Pending	8/18/2011	
Alberto Fornaro	Pending	2/1/2012	
Claudio Marco Demolli	Pending	12/19/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Donatella Busso	Pending	8/10/2012	
Gianmario T. Da Ruos	Pending	7/26/2011	
Renato Ascoli	Pending	6/13/2013	
Andrea Boroli	Renewal App Pending	1/4/2013	
Donald R. Sweitzer	Renewal App Pending	1/4/2013	
<i>Principal Entity</i>			
Investendo, S.r.l.	Approved for Licensure	10/27/2010	10/26/2013
FMR Corp	Notification Received	12/18/2007	
Mediobanca, SP	Notification Received	2/27/2008	
DeA Partecipazioni, S.p.A.	Pending	9/14/2011	
<i>Slot Machine Manufacturer</i>			
GTECH Corporation	License Renewed	10/27/2010	10/26/2013
<i>Konami Gaming, Inc.</i>			
<i>Affiliate</i>			
Konami Corporation	License Renewed	12/20/2011	12/19/2014
Konami Corporation of America	License Renewed	12/20/2011	12/19/2014
Kozuki Capital Corporation	License Renewed	12/20/2011	12/19/2014
Kozuki Foundation for Sports and Education	License Renewed	12/20/2011	12/19/2014
Kozuki Holding, B.V.	License Renewed	12/20/2011	12/19/2014
Stichting Administratiekantoor Kozuki Foundation d/b/a Kozuki Foundation	License Renewed	12/20/2011	12/19/2014
The Kozuki Trust	License Renewed	12/20/2011	12/19/2014
<i>Principal</i>			
Ross Angus O'Hanley	Approved for Licensure	12/20/2011	12/19/2014
Scott Jerald Richards	Approved for Licensure	12/20/2011	12/19/2014
Akira Gemma	License Renewed	12/20/2011	12/19/2014
Hiroyuki Mizuno	License Renewed	12/20/2011	12/19/2014
Kagemasa Kozuki	License Renewed	12/20/2011	12/19/2014
Kagetsugi Kozuki	License Renewed	12/20/2011	12/19/2014
Kimihiko Higashio	License Renewed	12/20/2011	12/19/2014
Noriaki Yamaguchi	License Renewed	12/20/2011	12/19/2014
Ryoichi Kimura	License Renewed	12/20/2011	12/19/2014
Satoshi Sakamoto	License Renewed	12/20/2011	12/19/2014
Stephen Sutherland	License Renewed	12/20/2011	12/19/2014
Takuya Kozuki	License Renewed	12/20/2011	12/19/2014
Thomas A. Jingoli	License Renewed	12/20/2011	12/19/2014
Thomas E. Soukup	License Renewed	12/20/2011	12/19/2014
Tomokazu Godai	License Renewed	12/20/2011	12/19/2014
Yoko Kozuki	License Renewed	12/20/2011	12/19/2014
Yuji Taniguchi	License Renewed	12/20/2011	12/19/2014
Clark A. Warren	Pending	11/21/2011	
Samuel Frank Constantino	Pending	5/12/2011	
<i>Principal Entity</i>			
Mitsubishi UFJ Financial Group, Inc.	Notification Received	7/3/2012	
<i>Slot Machine Manufacturer</i>			
Konami Gaming, Inc.	License Renewed	12/20/2011	12/19/2014

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<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Table Game Manufacturer</i>			
Konami Gaming, Inc.	License Renewed	12/20/2011	12/19/2014
<i>Lightning Gaming, Inc.</i>			
<i>Key Employee</i>			
Christopher George Strano	Approved for Licensure	1/26/2011	1/25/2014
Christopher George Strano	Renewal App Pending	12/5/2012	
<i>Principal</i>			
Brian D. Haveson	Renewal App Pending	11/29/2011	
Donald R. Caldwell	Renewal App Pending	11/29/2011	
Frederick C. Tecce	Renewal App Pending	11/29/2011	
<i>Slot Machine Manufacturer</i>			
Lightning Gaming, Inc.	Renewal App Pending	11/29/2011	
<i>MicroFirst Associates, Inc.</i>			
<i>Key Employee</i>			
Ryan Paul Randazzo	Approved for Licensure	6/21/2010	6/20/2013
Ryan Paul Randazzo	Renewal App Pending	4/23/2013	
<i>Principal</i>			
John D. Scarpa	License Renewed	5/2/2012	5/1/2015
<i>Slot Machine Manufacturer</i>			
MicroFirst Associates, Inc.	License Renewed	5/2/2012	5/1/2015
<i>Multimedia Games, Inc.</i>			
<i>Affiliate</i>			
Multimedia Games Holding Company, Inc.	Renewal App Pending	3/6/2013	
<i>Key Employee</i>			
Micki D. Roemer	Approved for Licensure	5/2/2012	5/1/2015
Nicholas Allan Lewin	Pending	9/26/2012	
Philip Howard Sherwood	Pending	8/7/2012	
David C. Hartman	Renewal App Pending	2/7/2013	
<i>Principal</i>			
Todd Francis McTavish	Pending	2/15/2013	
Adam NMN Chibib	Renewal App Pending	2/28/2013	
Joaquin Jesus Aviles	Renewal App Pending	3/1/2013	
Justin Albert Orlando	Renewal App Pending	3/1/2013	
Michael James Maples Sr	Renewal App Pending	2/28/2013	
Patrick J. Ramsey	Renewal App Pending	3/1/2013	
Robert Delaney Repass	Renewal App Pending	3/1/2013	
Stephen James Greathouse	Renewal App Pending	3/1/2013	
<i>Principal Entity</i>			
BlackRock, Inc	Notification Received	3/15/2011	
Eagle Asset Management	Notification Received	3/6/2013	
Epoch Investment Partners, Inc.	Notification Received	3/30/2012	
Royce & Associates, LLC	Notification Received	1/6/2011	
The Baupost Group, L.L.C.	Notification Received	8/9/2011	
<i>Slot Machine Manufacturer</i>			
Multimedia Games, Inc.	Renewal App Pending	3/6/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>NRT Technology Corp.</i>			
<i>Affiliate</i>			
Dominet Corp.	Renewal App Pending	4/19/2013	
<i>Key Employee</i>			
Rosa Laricchia	Renewal App Pending	9/20/2012	
<i>Principal</i>			
Ji-In Shin	Approved for Licensure	7/11/2012	7/10/2015
James E. Grundy	Renewal App Pending	4/1/2013	
John A. Dominelli	Renewal App Pending	4/1/2013	
Raffaele S. Lombardi	Renewal App Pending	4/1/2013	
<i>Slot Machine Manufacturer</i>			
NRT Technology Corp.	Renewal App Pending	4/19/2013	
<i>Progressive Gaming International Corporation</i>			
<i>Principal Entity</i>			
Delta Partners, LLC	Notification Received	11/2/2007	
Janus Capital Management, LLC	Notification Received	12/18/2008	
Matthes Capital Management, LLC	Notification Received	12/18/2008	
Silver Point Capital, L.P.	Notification Received	7/31/2007	
Third Point LLC	Notification Received	3/25/2008	
Weiss Multi-Strategy Advisers LLC	Notification Received	12/18/2008	
Wells Capital Management, Incorporated	Notification Received	10/10/2006	
William Blair & Company, LLC	Notification Received	1/25/2008	
<i>Scientific Games International, Inc.</i>			
<i>Affiliate</i>			
RLX Holdings Two LLC	Pending	11/20/2012	
SGMS Acquisition Two Corporation	Pending	4/11/2013	
MacAndrews & Forbes Holdings Inc.	Renewal App Pending	2/28/2013	
Scientific Games Corporation	Renewal App Pending	2/22/2013	
SGMS Acquisition Corporation	Renewal App Pending	2/28/2013	
<i>Key Employee</i>			
Scott Stewart	Approved for Licensure	3/21/2012	3/20/2015
David T Wafle Jr	Pending	1/22/2013	
<i>Principal</i>			
Jeffrey Johnson	Approved for Licensure	11/20/2012	11/19/2015
Peter Cohen	Approved for Licensure	3/21/2012	3/20/2015
Timothy Murphy	Approved for Licensure	4/24/2013	4/23/2016
Brooks Pierce	Pending	1/18/2013	
John Sarno	Pending	2/21/2013	
Paul Meister	Pending	8/23/2012	
Steven Fasman	Pending	11/1/2012	
Alison Horowitz	Renewal App Pending	2/28/2013	
Allen Weil	Renewal App Pending	3/4/2013	
Barry Schwartz	Renewal App Pending	2/28/2013	
Brennen Lawrence	Renewal App Pending	2/22/2013	
David Kennedy	Renewal App Pending	2/22/2013	
Floyd Clarke	Renewal App Pending	2/22/2013	
James Kennedy	Renewal App Pending	2/22/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Jeffrey Lipkin	Renewal App Pending	2/22/2013	
Larry Potts	Renewal App Pending	2/22/2013	
Michael Borofsky	Renewal App Pending	2/22/2013	
Michael Regan	Renewal App Pending	2/22/2013	
Paul Savas	Renewal App Pending	2/22/2013	
Peter Cohen	Renewal App Pending	4/3/2013	
Philip Bauer	Renewal App Pending	2/22/2013	
Robert Becker	Renewal App Pending	3/11/2013	
Rodney Hill	Renewal App Pending	2/22/2013	
Ronald Perelman	Renewal App Pending	2/28/2013	
Steven Beason	Renewal App Pending	2/22/2013	
Steven Saferin	Renewal App Pending	2/22/2013	
William Huntley	Renewal App Pending	2/22/2013	
Michael Chambrello	Request for Withdrawal Pending	6/13/2013	
<i>Principal Entity</i>			
BlackRock, Inc	Notification Received	1/24/2011	
Fine Capital Partners, L.P.	Notification Received	7/26/2012	
Schroder Investment Management North America	Notification Received	1/24/2011	
Wells Capital Management, Incorporated	Notification Received	1/14/2011	
<i>Slot Machine Manufacturer</i>			
Scientific Games International, Inc.	Renewal App Pending	2/22/2013	
<i>SHFL Entertainment, Inc.</i>			
<i>Key Employee</i>			
Deron James Hunsberger	Approved for Licensure	5/25/2011	5/24/2014
<i>Principal</i>			
Daniel Michael Wade	Approved for Licensure	2/8/2012	2/7/2015
Linster Walter Fox	Approved for Licensure	11/22/2011	11/21/2014
Nathan John Wadds	Approved for Licensure	2/8/2012	2/7/2015
Garry W. Saunders	License Renewed	6/13/2012	6/12/2015
John R. Bailey	License Renewed	6/13/2012	6/12/2015
Roger M Snow	License Renewed	6/13/2012	6/12/2015
Alfred Randall Thoman	Pending	3/4/2011	
Eileen Fein Raney	Pending	2/10/2011	
Kathryn Sarah Lever	Pending	6/10/2011	
Michael G. Isaacs	Pending	5/10/2011	
<i>Principal Entity</i>			
Barclays Global Investors NA and Barclays Global Fund Advisors	Notification Received	4/4/2007	
Baron Capital Group, Inc.	Notification Received	4/10/2007	
BlackRock, Inc.	Notification Received	2/8/2010	
Citadel Limited Partnership	Notification Received	5/30/2007	
Columbia Wanger Asset Management, L.P.	Notification Received	4/13/2007	
Eagle Asset Management	Notification Received	1/8/2010	
EdgePoint Investment Group Inc.	Notification Received	2/22/2012	
FMR Corp.	Notification Received	5/10/2007	
Franklin Resources Inc.	Notification Received	2/22/2008	
Kayne Anderson Rudnick Investment Mgmt, LLC	Notification Received	4/13/2007	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
OppenheimerFunds, Inc.	Notification Received	2/22/2008	
Private Capital Management, LP	Notification Received	4/23/2007	
Serengeti Asset Management LP	Notification Received	10/2/2008	
T. Rowe Price Associates, Inc.	Notification Received	7/1/2008	
The Bank of New York Mellon Corp.	Notification Received	2/22/2012	
The Vanguard Group, Inc.	Notification Received	2/22/2012	
Transamerica Investment Management, LLC	Notification Received	4/13/2007	
Wells Fargo and Company	Notification Received	1/27/2009	
William Blair & Company, L.L.C.	Notification Received	2/4/2008	
<i>Slot Machine Manufacturer</i>			
SHFL Entertainment, Inc.	License Renewed	6/13/2012	6/12/2015
<i>Table Game Manufacturer</i>			
SHFL entertainment, Inc.	License Renewed	6/13/2012	6/12/2015
<i>Spiel International Canada ULC</i>			
<i>Affiliate</i>			
B & D Holdings di Marco Drago & C.S.A.p.A	License Renewed	10/27/2010	10/26/2013
De Agostini S.p.A.	License Renewed	10/27/2010	10/26/2013
Lottomatica Group S.p.A	License Renewed	10/27/2010	10/26/2013
Blu Acquario Prima S.p.A.	Pending	2/25/2013	
New B&D Holding di Marco Drago e C.S.a.p.a.	Pending	10/5/2012	
<i>Principal</i>			
Alberto Ferdinando Maria Toffoletto	Approved for Licensure	10/27/2010	10/26/2013
Carlo Enrico Ferrari Ardicini	Approved for Licensure	4/14/2011	4/13/2014
Stefano Bortoli	Inactive-Renewed	7/19/2012	10/26/2013
Alberto Boroli	License Renewed	10/27/2010	10/26/2013
Anthony L. Watson	License Renewed	10/27/2010	10/26/2013
Chiara M.G. Boroli	License Renewed	10/27/2010	10/26/2013
Giorgio G.C. Drago	License Renewed	10/27/2010	10/26/2013
Lino Benassi	License Renewed	10/27/2010	10/26/2013
Marco Boroli	License Renewed	10/27/2010	10/26/2013
Marco Drago	License Renewed	10/27/2010	10/26/2013
Marco Sala	License Renewed	10/27/2010	10/26/2013
Paolo Boroli	License Renewed	10/27/2010	10/26/2013
Paolo Ceretti	License Renewed	10/27/2010	10/26/2013
Pietro Boroli	License Renewed	10/27/2010	10/26/2013
Renzo Lorenzo Pellicioli	License Renewed	10/27/2010	10/26/2013
Roberto Drago	License Renewed	10/27/2010	10/26/2013
Severino Salvemini	License Renewed	10/27/2010	10/26/2013
Victor Duarte	License Renewed	10/27/2010	10/26/2013
Andrea Boroli	Renewal App Pending	1/4/2013	
<i>Principal Entity</i>			
DeA Partecipazioni, S.p.A.	Pending	2/7/2013	
<i>Slot Machine Manufacturer</i>			
Spiel International Canada ULC	License Renewed	10/27/2010	10/26/2013
<i>Spiel International USA, LLC</i>			
<i>Affiliate</i>			
B & D Holdings di Marco Drago & C.S.A.p.A	License Renewed	10/27/2010	10/26/2013

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
De Agostini S.p.A.	License Renewed	10/27/2010	10/26/2013
Lottomatica Group S.p.A.	License Renewed	10/27/2010	10/26/2013
Blu Acquario Prima S.p.A.	Pending	2/25/2013	
New B&D Holding di Marco Drago e C.S.a.p.a.	Pending	10/5/2012	
<i>Key Employee</i>			
Michelle Lewis	Renewal App Pending	5/17/2012	
<i>Principal</i>			
Alberto Ferdinando Maria Toffoletto	Approved for Licensure	10/27/2010	10/26/2013
Carlo Enrico Ferrari Ardicini	Approved for Licensure	4/14/2011	4/13/2014
Christine M. Masino	Approved for Licensure	10/27/2010	10/26/2013
Victor Duarte	Approved for Licensure	10/27/2010	10/26/2013
Kenneth L. Bossingham	Inactive-Approved for Licensure	1/23/2013	10/26/2013
Severino Salvemini	Inactive-Renewed	7/19/2012	10/26/2013
Alberto Boroli	License Renewed	10/27/2010	10/26/2013
Chiara M.G. Boroli	License Renewed	10/27/2010	10/26/2013
Giorgio G.C. Drago	License Renewed	10/27/2010	10/26/2013
Lino Benassi	License Renewed	10/27/2010	10/26/2013
Luke Kenneth Orchard	License Renewed	10/27/2010	10/26/2013
Marco Boroli	License Renewed	10/27/2010	10/26/2013
Marco Drago	License Renewed	10/27/2010	10/26/2013
Marco Sala	License Renewed	10/27/2010	10/26/2013
Paolo Boroli	License Renewed	10/27/2010	10/26/2013
Paolo Ceretti	License Renewed	10/27/2010	10/26/2013
Pietro Boroli	License Renewed	10/27/2010	10/26/2013
Renzo Lorenzo Pellicoli	License Renewed	10/27/2010	10/26/2013
Roberto Drago	License Renewed	10/27/2010	10/26/2013
Stefano Bortoli	License Renewed	10/27/2010	10/26/2013
<i>Principal Entity</i>			
DeA Partecipazioni, S.p.A.	Pending	9/14/2011	
<i>Slot Machine Manufacturer</i>			
Spielo International USA, LLC	License Renewed	10/27/2010	10/26/2013
<i>WMS Gaming Inc.</i>			
<i>Affiliate</i>			
WMS Industries, Inc.	Renewal App Pending	3/13/2013	
<i>Key Employee</i>			
Louis J Dorbian	Approved for Licensure	4/24/2013	4/23/2016
Robert Reed	Approved for Licensure	4/24/2013	4/23/2016
Robert David Bone	Approved for Licensure	5/15/2013	5/14/2016
Anatoly Belkin	Pending	6/5/2013	
Kevin M Brewster	Pending	9/4/2012	
Richard R. Riehm	Pending	10/3/2012	
Scott Richard Staby	Pending	3/28/2013	
Brian E. Clayton	Renewal App Pending	3/13/2013	
<i>Principal</i>			
Matthew Howard Paull	Pending	4/4/2013	
Brian R. Gamache	Renewal App Pending	3/13/2013	
Edward W. Rabin, Jr.	Renewal App Pending	3/13/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
John P. McNicholas, Jr.	Renewal App Pending	3/13/2013	
Kathleen J. McJohn	Renewal App Pending	3/13/2013	
Kenneth Lochiatto	Renewal App Pending	3/13/2013	
Larry Pacey	Renewal App Pending	5/2/2012	
Lisa DeJesus-Condon	Renewal App Pending	8/28/2012	
Orrin J. Edidin	Renewal App Pending	3/14/2013	
Robert J. Bahash	Renewal App Pending	3/13/2013	
Scott D. Schweinfurth	Renewal App Pending	3/13/2013	
William J. Vareschi	Renewal App Pending	3/13/2013	
<i>Principal Entity</i>			
Artisan Partners Limited Partnership	Notification Received	1/9/2013	
Barclays Global Investors NA	Notification Received	4/20/2009	
BlackRock, Inc	Notification Received	3/16/2011	
Citadel Advisors LLC	Notification Received	4/20/2009	
FMR Corp.	Notification Received	2/23/2007	
Janus Captial Management, LLC	Notification Received	10/6/2011	
Kornitzer Capital Management	Notification Received	3/17/2008	
Kornitzer Capital Management	Notification Received	7/29/2009	
T. Rowe Price	Notification Received	4/5/2007	
The Vanguard Group, Inc	Notification Received	1/7/2013	
Turner Investment Partners, Inc.	Notification Received	4/6/2007	
<i>Slot Machine Manufacturer</i>			
WMS Gaming Inc.	Renewal App Pending	3/13/2013	
Slot Machine Manufacturer Designee Application			
<i>NRT Technologies, Inc.</i>			
<i>Affiliate</i>			
Dominet Corp.	Pending	5/31/2013	
NRT Technology Corp.	Pending	5/31/2013	
<i>Principal</i>			
John A. Dominelli	Pending	5/31/2013	
<i>Slot Machine Manufacturer Designee</i>			
NRT Technologies, Inc.	Pending	5/30/2013	
Slot Machine Supplier Application			
<i>Advanced Gaming Associates, LLC</i>			
<i>Principal</i>			
Anthony R. Tomasello, Jr.	License Renewed	10/10/2012	10/9/2015
<i>Slot Machine Supplier</i>			
Advanced Gaming Associates, LLC	License Renewed	10/10/2012	10/9/2015
<i>Happ Controls, Inc.</i>			
<i>Affiliate</i>			
ACON Suzo-Happ Investments, LP	Pending	1/11/2013	
ACON Suzo-Happ Management, LLC	Pending	12/3/2012	
ACON Suzo-Happ, LLC	Pending	12/3/2012	
Happ Acquisition, Inc.	Pending	12/19/2012	
<i>Principal</i>			
Bernard Aronson	Pending	10/3/2012	
Frank Lee Happ	Pending	6/10/2011	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
James Brendel	Pending	9/7/2011	
James Norton	Pending	4/23/2013	
John Underwood	Pending	4/23/2013	
Jonathan Ginns	Pending	10/3/2012	
Kenneth Brotman	Pending	10/3/2012	
Matthew Ray Brown	Pending	11/15/2012	
Randall A. Fine	Pending	10/16/2012	
Suma Kulkarni	Pending	10/16/2012	
Leonardus Albertus Patrick Suverein	Request for Withdrawal Pending	2/15/2013	
Thomas Bruse Happ	Request for Withdrawal Pending	4/9/2013	
<i>Principal Entity</i>			
Happ Controls II, LLC	Pending	1/7/2013	
<i>Slot Machine Supplier</i>			
Happ Controls, Inc.	Pending	6/10/2011	
<i>KGM Gaming, LLC</i>			
<i>Key Employee</i>			
Eric P. Schulman	Approved for Licensure	1/29/2013	1/28/2016
Joshua Robert Faish	Approved for Licensure	11/8/2012	11/7/2015
<i>Principal</i>			
Howard J. Weiss	License Renewed	10/27/2010	10/26/2013
Jason E. Cohen	License Renewed	11/8/2012	11/7/2015
Jason M. Peters	License Renewed	10/27/2010	10/26/2013
Michael A. Frattone	License Renewed	10/27/2010	10/26/2013
<i>Slot Machine Supplier</i>			
KGM Gaming, LLC	License Renewed	10/27/2010	10/26/2013
<i>Modern Gaming Pennsylvania, LLC</i>			
<i>Key Employee</i>			
Brian David Hartmann	License Renewed	7/11/2012	7/10/2015
<i>Principal</i>			
Jason Roy DeGrandmaison	License Renewed	2/24/2011	2/23/2014
Michael T. Tessmer	License Renewed	2/24/2011	2/23/2014
<i>Slot Machine Supplier</i>			
Modern Gaming Pennsylvania, LLC	License Renewed	2/24/2011	2/23/2014
<i>TDN Money Systems</i>			
<i>Principal</i>			
Edward Joseph Hannon Jr	License Renewed	10/13/2011	10/12/2014
Richard Carmen Orlando	License Renewed	10/13/2011	10/12/2014
<i>Slot Machine Supplier</i>			
TDN Money Systems	License Renewed	10/13/2011	10/12/2014
<i>Table Game Supplier</i>			
TDN Money Systems	License Renewed	10/13/2011	10/12/2014
Table Game Manufacturer Application			
<i>Angel Playing Cards Mfg Co., Ltd.</i>			
<i>Principal</i>			
Kyotaro Morihisa	Pending	1/29/2013	
Takayoshi Tsuji	Pending	1/29/2013	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Yasushi Shigeta	Pending	1/29/2013	
Yuji Hirano	Pending	1/29/2013	
<i>Table Game Manufacturer</i>			
Angel Playing Cards Mfg Co., Ltd.	Conditional License Issued	1/29/2013	
<i>Aristocrat Technologies, Incorporated</i>			
<i>Affiliate</i>			
Aristocrat Leisure Limited	Pending	2/5/2013	
Aristocrat International Pty. Ltd.	Renewal App Pending	3/12/2013	
<i>Key Employee</i>			
Robert A. Perry	Approved for Licensure	7/20/2011	7/19/2014
Stephen Frank Castine	License Renewed	4/24/2013	4/23/2016
Kelly L. Shaw	Renewal App Pending	2/5/2013	
<i>Principal</i>			
Jason Allen Goudie	Approved for Licensure	7/11/2012	7/10/2015
Mark Richard Dunn	Approved for Licensure	11/8/2012	11/7/2015
Richard Jay Schneider	Approved for Licensure	11/8/2012	11/7/2015
Atul Bali	Pending	8/20/2012	
Antonia Korsanos	Renewal App Pending	3/12/2013	
James R. Odell	Renewal App Pending	2/5/2013	
Kathleen A. Worley	Renewal App Pending	2/5/2013	
Paul L.H. Ainsworth	Renewal App Pending	2/5/2013	
Roger A. Davis	Renewal App Pending	2/5/2013	
Seamus M. McGill	Renewal App Pending	2/5/2013	
Tracey L. Elkerton	Renewal App Pending	2/5/2013	
<i>Principal Entity</i>			
Capital Research and Management Company	Notification Received	7/30/2007	
National Australia Bank Limited	Notification Received	7/13/2012	
Writeman Pty. Limited	Renewal App Pending	2/5/2013	
<i>Slot Machine Manufacturer</i>			
Aristocrat Technologies, Incorporated	Renewal App Pending	2/5/2013	
<i>Table Game Manufacturer</i>			
Aristocrat Technologies, Incorporated	License Renewed	12/20/2011	12/19/2014
Aristocrat Technologies, Incorporated	Renewal App Pending	2/5/2013	
<i>Bally Gaming, Inc.</i>			
<i>Affiliate</i>			
Alliance Holding Company	License Renewed	5/25/2011	5/24/2014
Bally Gaming International, Inc.	License Renewed	5/25/2011	5/24/2014
Bally Technologies, Inc.	License Renewed	5/25/2011	5/24/2014
<i>Key Employee</i>			
Robert Joseph Parente	Approved for Licensure	12/20/2011	12/19/2014
Brian R. Pierce	Renewal App Pending	4/9/2012	
Gerald J. McGowan	Renewal App Pending	4/9/2012	
Peter J. Wichterman	Renewal App Pending	4/9/2012	
Stanley J. Kozlowski	Renewal App Pending	4/9/2012	
Thomas Reilly	Renewal App Pending	4/9/2012	
Thomas M. Santoro	Renewal App Pending	4/9/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Principal</i>			
Derik Jon Mooberry	Approved for Licensure	12/20/2011	12/19/2014
Walter Eldon Eisele	Approved for Licensure	10/13/2011	10/12/2014
William McKenna	Approved for Licensure	4/24/2013	4/23/2016
David B. Robbins	License Renewed	5/25/2011	5/24/2014
Kevin L. Verner	License Renewed	5/25/2011	5/24/2014
Marc P. Comella	License Renewed	5/25/2011	5/24/2014
Mark D. Lerner	License Renewed	5/25/2011	5/24/2014
Michael J. Mitchell	License Renewed	5/25/2011	5/24/2014
Neil Davidson	License Renewed	5/25/2011	5/24/2014
Ramesh Srinivasan	License Renewed	5/25/2011	5/24/2014
Richard M. Hadrill	License Renewed	5/25/2011	5/24/2014
Robert L. Guido	License Renewed	5/25/2011	5/24/2014
Tina M. Kilmer	License Renewed	5/25/2011	5/24/2014
Josephine Linden	Pending	5/3/2011	
<i>Principal Entity</i>			
BlackRock, Inc	Notification Received	2/5/2010	
Columbia Management Investment Advisers, LLC	Notification Received	4/7/2011	
Columbia Wanger Asset Management, L.P.	Notification Received	5/10/2006	
Eagle Asset Management	Notification Received	8/10/2009	
FMR Corp.	Notification Received	3/23/2007	
Fred Alger Management, Inc	Notification Received	10/19/2007	
Highline Capital Management	Notification Received	12/11/2007	
Lazard Asset Management, LLC	Notification Received	5/10/2006	
Neuberger Berman Group LLC	Notification Received	3/4/2013	
Penn Capital Management	Notification Received	7/1/2008	
Private Capital Management, L.P.	Notification Received	5/10/2006	
S.A.C. Capital Advisors, LLC and others	Notification Received	2/26/2008	
The Vanguard Group, Inc.	Notification Received	5/29/2012	
Wellington Management Company	Notification Received	12/8/2009	
<i>Slot Machine Manufacturer</i>			
Bally Gaming, Inc.	License Renewed	5/25/2011	5/24/2014
<i>Table Game Manufacturer</i>			
Bally Gaming, Inc.	License Renewed	5/25/2011	5/24/2014
<i>CountR GmbH</i>			
<i>Principal</i>			
Domink Dieter Johannes Winau	Pending	7/27/2012	
Rainer Helmut Seyer	Pending	7/27/2012	
<i>Table Game Manufacturer</i>			
CountR GmbH	Pending	7/27/2012	
<i>DEQ Systems Corp.</i>			
<i>Principal</i>			
Alexandre Philippe Lattes	Approved for Licensure	12/12/2012	12/11/2013
David Jacques	Approved for Licensure	12/12/2012	12/11/2013
Earle Gerard Hall	Approved for Licensure	12/12/2012	12/11/2013
Francois Proulx	Approved for Licensure	12/12/2012	12/11/2013
Genevieve Cossette	Approved for Licensure	12/12/2012	12/11/2013

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Herve Francois Eschasseriau	Approved for Licensure	12/12/2012	12/11/2013
Jean-Claude Vachon	Approved for Licensure	12/12/2012	12/11/2013
Joseph Michael Telesmanic	Approved for Licensure	12/12/2012	12/11/2013
Michael Alexander Hackman	Approved for Licensure	12/12/2012	12/11/2013
<i>Principal Entity</i>			
Pyramis Global Advisors, LLC (PGALLC) (Asset Mgmt Co to Fidelity Invmts)	Notification Received	6/12/2012	
<i>Table Game Manufacturer</i>			
DEQ Systems Corp.	Approved for Licensure	12/12/2012	12/11/2013
<i>Elektroncek d.d.</i>			
<i>Affiliate</i>			
Elektroncek Group B.V.	License Renewed	2/29/2012	2/28/2015
<i>Principal</i>			
Petra Vidmar	Approved for Licensure	2/29/2012	2/28/2015
Joze Pececnik	License Renewed	2/29/2012	2/28/2015
Rok Uhan	License Renewed	2/29/2012	2/28/2015
Tomaz Zvipelj	License Renewed	2/29/2012	2/28/2015
<i>Table Game Manufacturer</i>			
Elektroncek d.d.	License Renewed	2/29/2012	2/28/2015
<i>Gemaco, Inc</i>			
<i>Affiliate</i>			
GemGroup, Inc	License Renewed	11/8/2012	11/7/2015
<i>Principal</i>			
Danny Ray Carpenter	License Renewed	11/8/2012	11/7/2015
Diana Kaye Summers	License Renewed	11/8/2012	11/7/2015
Jason Allen Fitzhugh	License Renewed	11/8/2012	11/7/2015
Leesa Ann Nichols	License Renewed	11/8/2012	11/7/2015
Paul Desmond Quinlan	License Renewed	11/8/2012	11/7/2015
<i>Table Game Manufacturer</i>			
Gemaco, Inc	License Renewed	11/8/2012	11/7/2015
<i>Giesecke & Devrient America, Inc.</i>			
<i>Affiliate</i>			
Giesecke & Devrient GmbH	Pending	11/18/2011	
<i>Key Employee</i>			
Paul Alger Cragin	Pending	1/3/2012	
<i>Principal</i>			
Celia Jutta Eva Maria von Mitschke-Collande	Pending	4/29/2013	
Gabriel Markus Adam Maria von Mitschke-Collande	Pending	4/29/2013	
Hans Wolfgang Kunz	Pending	2/12/2013	
John Scott Marquardt	Pending	7/7/2011	
Karsten Ottenberg	Pending	12/4/2012	
Kevin John Fitzgerald	Pending	1/18/2012	
Marian Christoph Siegfried Adam von Mitschke-Collande	Pending	4/29/2013	
Sylvius Ludwig Adam Maria von Mitschke-Collande	Pending	4/29/2013	
Verena von Mitschke-Collande	Pending	1/3/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
<i>Table Game Manufacturer</i>			
Giesecke & Devrient America, Inc.	Conditional License Issued	1/18/2012	
<i>GPI Mexicana S.A. de C.V.</i>			
<i>Affiliate</i>			
Gaming Partners International Corporation	Renewal App Pending	11/30/2012	
Holding Wilson S.A.	Renewal App Pending	11/30/2012	
<i>Principal</i>			
Alain Marc Thieffry	Renewal App Pending	11/30/2012	
Charles Robert Henry	Renewal App Pending	11/30/2012	
Elisabeth Elaine Carrette	Renewal App Pending	11/30/2012	
Eric Paul Endy	Renewal App Pending	11/30/2012	
Franciso Javier Moreno Sanchez	Renewal App Pending	12/10/2012	
Gerald William Koslow	Renewal App Pending	11/30/2012	
Gerard Pierre Charlier	Renewal App Pending	11/30/2012	
Gregory Scott Gronau	Renewal App Pending	11/30/2012	
Jean-Francois Lendais	Renewal App Pending	11/30/2012	
Laura Louise McAllister Cox	Renewal App Pending	11/30/2012	
Martin Alan Berkowitz	Renewal App Pending	11/30/2012	
Robert John Kelly	Renewal App Pending	11/30/2012	
<i>Table Game Manufacturer</i>			
GPI Mexicana S.A. de C.V.	Renewal App Pending	12/10/2012	
<i>Table Game Manufacturer Designee</i>			
Gaming Partners International USA, Inc.	Renewal App Pending	11/30/2012	
<i>IGT</i>			
<i>Affiliate</i>			
International Game Technology	License Renewed	3/9/2011	3/8/2014
<i>Key Employee</i>			
Adam Michael Cascais	Approved for Licensure	11/20/2012	11/19/2015
Anthony E. Sofran	License Renewed	11/20/2012	11/19/2015
George P. Kerrigan	License Renewed	3/9/2011	3/8/2014
Kenneth E. Kachnic	License Renewed	11/20/2012	11/19/2015
Christopher Benten Howey	Pending	5/31/2013	
Andre Lewis Brunette	Renewal App Pending	1/16/2013	
<i>Principal</i>			
Christopher John Satchell	Approved for Licensure	3/9/2011	3/8/2014
Eric A. Berg	Approved for Licensure	8/22/2012	8/21/2015
Janice Durbin Chaffin	Approved for Licensure	4/11/2012	4/10/2015
John Matthew Vandemore	Approved for Licensure	4/24/2013	4/23/2016
Paget L. Alves	Approved for Licensure	4/14/2011	4/13/2014
Philip Glen Satre	Approved for Licensure	3/9/2011	3/8/2014
Robert Carey Melendres	Approved for Licensure	3/9/2011	3/8/2014
Vincent Louis Sadusky	Approved for Licensure	2/8/2012	2/7/2015
Eric Paul Tom	License Renewed	5/23/2012	5/22/2015
Michelle A. Chatigny	License Renewed	3/9/2011	3/8/2014
Patti S. Hart	License Renewed	3/9/2011	3/8/2014
Darrell Thomas Rodriguez	Pending	12/7/2012	

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Paul Clement Gracey Jr	Pending	11/26/2012	
David Earle Roberson	Request for Withdrawal Pending	4/1/2013	
<i>Principal Entity</i>			
American Century Mutual Funds, Inc.	Notification Received	5/10/2006	
BlackRock, Inc	Notification Received	2/5/2010	
Capital World Investors	Notification Received	2/25/2008	
Private Capital Management, L.P.	Notification Received	8/3/2005	
Prudential Financial, Inc.	Notification Received	3/25/2013	
T. Rowe Price Associates, Inc.	Notification Received	2/7/2008	
The Vanguard Group, Inc.	Notification Received	3/2/2012	
<i>Slot Machine Manufacturer</i>			
IGT	License Renewed	3/9/2011	3/8/2014
<i>Table Game Manufacturer</i>			
IGT	License Renewed	3/9/2011	3/8/2014
<i>South Jersey Precision Tool & Mold, Inc.</i>			
<i>Principal</i>			
June Jaraslaw Rone	License Renewed	11/8/2012	11/7/2015
Robert Rone	License Renewed	11/8/2012	11/7/2015
Victor Rone	License Renewed	11/8/2012	11/7/2015
Wayne Reeves	License Renewed	11/8/2012	11/7/2015
<i>Table Game Manufacturer</i>			
South Jersey Precision Tool & Mold, Inc.	License Renewed	11/8/2012	11/7/2015
<i>TCS John Huxley America, Inc.</i>			
<i>Affiliate</i>			
Crib Goch Investment Limited	License Renewed	10/17/2012	6/4/2016
Pata Pata AB	License Renewed	6/5/2013	6/4/2016
TCS John Huxley Europe Limited	License Renewed	6/5/2013	6/4/2016
Victoria Holdings Limited	License Renewed	6/5/2013	6/4/2016
<i>Key Employee</i>			
Ronald Douglas Corio Jr	Approved for Licensure	12/20/2011	12/19/2014
<i>Principal</i>			
Barbara Jeanette Reed	Approved for Licensure	11/8/2012	11/7/2015
Catherine Ann Burns	Approved for Licensure	6/5/2013	6/4/2016
Bradley John Broderick	License Renewed	6/5/2013	6/4/2016
Justin Matthew Findlay	License Renewed	6/5/2013	6/4/2016
Michael Bertil Knutsson	License Renewed	6/5/2013	6/4/2016
Tristan Nenne Sjoberg	License Renewed	6/5/2013	6/4/2016
Eric Poulton	Pending	6/7/2013	
Roger Lyndon Hawkins	Request for Withdrawal Pending	6/11/2013	
Ruth Anne Andrews	Request for Withdrawal Pending	4/9/2013	
<i>Table Game Manufacturer</i>			
TCS John Huxley America, Inc.	License Renewed	6/5/2013	6/4/2016
<i>TCS John Huxley Europe Limited</i>			
<i>Affiliate</i>			
Crib Goch Investment Limited	License Renewed	6/5/2013	6/4/2016
Pata Pata AB	License Renewed	6/5/2013	6/4/2016

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
TCS John Huxley America, Inc.	License Renewed	6/5/2013	6/4/2016
Victoria Holdings Limited	License Renewed	6/5/2013	6/4/2016
<i>Principal</i>			
Catherine Ann Burns	Approved for Licensure	6/5/2013	6/4/2016
Michael Bertil Knutsson	License Renewed	6/5/2013	6/4/2016
Tristan Nenne Sjoberg	License Renewed	6/5/2013	6/4/2016
Eric Poulton	Pending	6/7/2013	
Ruth Anne Andrews	Request for Withdrawal Pending	4/9/2013	
<i>Table Game Manufacturer</i>			
TCS John Huxley Europe Limited	License Renewed	6/5/2013	6/4/2016
<i>Tech Art, Inc.</i>			
<i>Principal</i>			
Arthur Clemont Miller	License Renewed	1/9/2013	1/8/2016
Bruce Howard Kusens	License Renewed	1/9/2013	1/8/2016
Gary Alan Miller	License Renewed	1/9/2013	1/8/2016
Joseph William Miller	License Renewed	1/9/2013	1/8/2016
Marsha Sofer Miller	License Renewed	1/9/2013	1/8/2016
Ronald Lewis Miller	License Renewed	1/9/2013	1/8/2016
Russell Dean Isaacs	License Renewed	1/9/2013	1/8/2016
<i>Table Game Manufacturer</i>			
Tech Art, Inc.	License Renewed	1/9/2013	1/8/2016
<i>The United States Playing Card Company</i>			
<i>Affiliate</i>			
Bicycle Holding, Inc.	License Renewed	5/15/2013	5/14/2016
Jarden Corporation	License Renewed	5/15/2013	5/14/2016
USPC Holding Inc.	License Renewed	5/15/2013	5/14/2016
<i>Key Employee</i>			
Patricia Ann Hom	Approved for Licensure	11/22/2011	11/21/2014
<i>Principal</i>			
James LeRoy Cunningham	Approved for Licensure	5/15/2013	5/14/2016
Marc Alan Hill	Approved for Licensure	2/8/2012	2/7/2015
Richard Todd Sansone	Approved for Licensure	4/11/2012	4/10/2015
Ian Guy Handley Ashken	License Renewed	5/15/2013	5/14/2016
James Daryl Owen	License Renewed	5/15/2013	5/14/2016
James Eric Lillie	License Renewed	5/15/2013	5/14/2016
John Edward Capps	License Renewed	5/15/2013	5/14/2016
Martin Ellis Franklin	License Renewed	5/15/2013	5/14/2016
Michael William Slaughter	Pending	5/23/2013	
<i>Principal Entity</i>			
BlackRock, Inc	Notification Received	3/4/2011	
College Retirement Equities Fund—Stock Account	Notification Received	5/13/2011	
FMR Corp.	Notification Received	6/5/2012	
Horizon Asset Management, Inc.	Notification Received	3/7/2011	
J.P. Morgan Investment Management Inc.	Notification Received	4/22/2013	
Wellington Management Company	Notification Received	4/13/2011	
<i>Table Game Manufacturer</i>			
The United States Playing Card Company	License Renewed	5/15/2013	5/14/2016

<i>Applicant Name</i>	<i>Application Status</i>	<i>Application Status Date</i>	<i>Expiration Date</i>
Table Game Manufacturer Designee Application			
<i>Angel Playing Cards U.S.A. Inc.</i>			
<i>Principal</i>			
Kyotaro Morihisa	Pending	1/29/2013	
Takayoshi Tsuji	Pending	1/29/2013	
Yasushi Shigeta	Pending	1/29/2013	
Yuji Hirano	Pending	1/29/2013	
<i>Table Game Manufacturer Designee</i>			
Angel Playing Cards U.S.A. Inc.	Conditional License Issued	1/29/2013	
<i>Gaming Partners International USA, Inc.</i>			
<i>Affiliate</i>			
Gaming Partners International Corporation	Renewal App Pending	11/30/2012	
Holding Wilson S.A.	Renewal App Pending	11/30/2012	
<i>Key Employee</i>			
Robert Andrew Ford	Approved for Licensure	1/17/2013	1/17/2015
Robert Meeks Jackson Jr	Pending	9/10/2012	
<i>Principal</i>			
Alain Marc Thieffry	Renewal App Pending	11/30/2012	
Charles Robert Henry	Renewal App Pending	11/30/2012	
Elisabeth Elaine Carrette	Renewal App Pending	11/30/2012	
Eric Paul Endy	Renewal App Pending	11/30/2012	
Franciso Javier Moreno Sanchez	Renewal App Pending	12/10/2012	
Gerald William Koslow	Renewal App Pending	11/30/2012	
Gerard Pierre Charlier	Renewal App Pending	11/30/2012	
Gregory Scott Gronau	Renewal App Pending	11/30/2012	
Jean-Francois Lendais	Renewal App Pending	11/30/2012	
Laura Louise McAllister Cox	Renewal App Pending	11/30/2012	
Martin Alan Berkowitz	Renewal App Pending	11/30/2012	
Robert John Kelly	Renewal App Pending	11/30/2012	
<i>Table Game Manufacturer Designee</i>			
Gaming Partners International USA, Inc.	Renewal App Pending	11/30/2012	
<i>Interblock USA L.C.</i>			
<i>Affiliate</i>			
Elektroncek d.d.	Approved for Licensure	12/12/2012	12/11/2013
Elektroncek Group B.V.	Approved for Licensure	12/12/2012	12/11/2013
<i>Key Employee</i>			
Anthony Laielli	Pending	4/2/2013	
<i>Principal</i>			
Joze Pececnik	Approved for Licensure	12/12/2012	12/11/2013
Petra Vidmar	Approved for Licensure	12/12/2012	12/11/2013
Rok Uhan	Approved for Licensure	12/12/2012	12/11/2013
Thomas Joseph O'Brien	Approved for Licensure	12/12/2012	12/11/2015
Tomaz Zvipelj	Approved for Licensure	12/12/2012	12/11/2013
<i>Table Game Manufacturer Designee</i>			
Interblock USA L.C.	Approved for Licensure	12/12/2012	12/11/2013

[Pa.B. Doc. No. 13-1190. Filed for public inspection June 28, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

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 July 15, 2013. 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-2013-2352768. James A. Riggins, Jr. (P. O. Box 454, Sadsburyville, Chester County, PA 19369)—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2013-2353483. Rapid Airport Shuttle Service, LLC (2385 Bernville Road, Reading, Berks County, PA 19605)—persons in airport transfer service, from points in Berks County, to the Philadelphia International Airport, located in the City and County of Philadelphia and the Township of Tinicum in Delaware County.

A-2013-2354509. Regional EMS and Critical Care, Inc., t/a Regional Community Transit (920 East Broad Street, Tamaqua, PA 18252) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, in wheelchairs and/or in need of mobility assistance, from points in Berks, Carbon, Lehigh, Luzerne, Monroe, Northampton and Schuylkill Counties to points in Pennsylvania, and return. *Attorney:* Barbara A. Darkes, McNees, Wallace & Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166.

A-2013-2354748. Sonja's Van Service, LLC (1714 SR 890, Paxinos, PA 17860)—for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Northumberland, to points in Pennsylvania, and return.

A-2013-2355537. Mary Jo Home Care, LLC (5010 Cottage Street, Philadelphia PA 19124)—persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2013-2356789. Wilderness Voyageurs, Inc. (P. O. Box 97, Ohiopyle, Fayette County, PA 15470)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the

Counties of Allegheny, Fayette, Somerset, and Westmoreland, to points in Pennsylvania, and return; limited to persons seeking bike tour related transportation to the Great Allegheny Passage Rail Trail and to hikers seeking transportation to the Laurel Highlands Hiking Trail.

A-2013-2357256. Direct Limo and Car Service, Inc. (2904 Walnut Ridge EST, Pottstown, PA 19464) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Montgomery County and from points in Montgomery County to points in Pennsylvania, and return.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2013-2352953. Lifestar Response of NJ—Lifestar Response Corp (1740 Easton Avenue, Bethlehem, Northampton County, PA 18108)—persons in paratransit service, from points in the Counties of Bucks, Carbon, Chester, Delaware, Lancaster, Monroe and Montgomery, and from the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Christopher Lewis, Blank Rome, LLP, One Logan Square, 130 North 18th Street, Philadelphia, PA 19103.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2013-2352227. Big Daddy Trucking, LLC (P. O. Box 47, Homestead, Allegheny County, PA 15120)—household goods in use, between points in Allegheny County.

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2013-2354960. People to Places, Inc. (56 Deysher Road, Fleetwood, Berks County, PA 19522)—for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service between points in the Counties of Berks and Lehigh, and from points in said counties, to points in Pennsylvania, and return.

A-2013-2357415. Racing Limos of Harrisburg, LLC (708 Spruce Drive, Hanover, PA 17331) for the discontinuance of service and cancellation of its Certificate of Public Convenience as a common carrier, by motor vehicle, at A-00123128 authorizing the transportation of persons in limousine service, from points in the Counties of Cumberland, Dauphin, Lebanon and Perry, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1191. Filed for public inspection June 28, 2013, 9:00 a.m.]

Transfer of Control

A-2013-2368611. Primus Telecommunications, Inc. and PTUS, Inc. Joint application of Primus Telecommunications, Inc. and PTUS, Inc. for approval of a general rule transfer of control.

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 July 15, 2013. 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 Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Primus Telecommunications, Inc.

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, PC, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1192. Filed for public inspection June 28, 2013, 9:00 a.m.]

Transfer of Customers and Assets

A-2013-2368628 and A-2013-2368629. Birch Communications, Inc. and Ernest Communications, Inc. Joint application of Birch Communications, Inc. and Ernest Communications, Inc. for approval to transfer customers and assets.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities).

ties). 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 July 15, 2013. 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 Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicants: Birch Communications, Inc., Ernest Communications, Inc.

Through and By Counsel: Susan E. Bruce, Esquire, McNees Wallace and Nurick, LLC, 100 Pine Street, P. O. Box 1166, Harrisburg, PA 17108-1166

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-1193. Filed for public inspection June 28, 2013, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-050.4, Pier 38 Electrical Room Upgrades, until 2 p.m. on Thursday, August 1, 2013. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-1194. Filed for public inspection June 28, 2013, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Schrack Farms 860 West Valley Road Loganton, PA 17747	Clinton County/ Greene Township	390	Cattle	New	Approved
Noah W. Kreider & Sons, LLP 301 Longview Drive Middletown, PA 17057	Dauphin County/ Lower Swatara Township	4504.5	Layers	Amended	Approved
John S. King 143 Amishtown Road New Holland, PA 17557	Lancaster County/ Earl Township	0	Cattle	New	Approved

E. CHRISTOPHER ABRUZZO,
Acting Chairperson

[Pa.B. Doc. No. 13-1195. Filed for public inspection June 28, 2013, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on July 10, 2013,

beginning at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or Commission operations should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,
Executive Director

[Pa.B. Doc. No. 13-1196. Filed for public inspection June 28, 2013, 9:00 a.m.]

THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

[204 PA. CODE CH. 303]

Adoption of Amendment to the 7th Edition Sentencing Guidelines

On January 26, 2013, the Pennsylvania Commission on Sentencing published a proposed Amendment to the 7th Edition Sentencing Guidelines in the *Pennsylvania Bulletin*, in accordance with 42 Pa.C.S.A. § 2155(a)(1), and held a public hearing on March 6, 2013 in Harrisburg, Pennsylvania. This action was in response to address legislation enacted after the September 13, 2012 adoption of the 7th Edition Sentencing Guidelines and prior to the end of the legislative session in November 2012.

On June 6, 2013, the Commission on Sentencing adopted the Amendment to the 7th Edition Sentencing Guidelines, which is published in Annex A pursuant to 42 Pa.C.S.A. § 2155(a)(2).

Pennsylvania's initial sentencing guidelines became effective June 2, 1982 and were subsequently revised or amended on eleven occasions, most recently in 2012. The current sentencing guidelines (7th Edition) became effective December 28, 2012, and apply to all offenses committed on or after that date.

The Amendment to the 7th Edition Sentencing Guidelines as adopted by the Commission is summarized below and included in Annex A.

Commentary on Annex A

Revisions to 303.1—Sentencing guideline standards

The 7th Edition Sentencing Guidelines were effective December 28, 2012. They are applicable to all offenses committed on or after that date.

Revisions to 303.2—Procedure for determining the guideline sentence

References to the Criminal Gang Enhancement and Third Degree Murder of a Victim Younger than Age 13 Enhancement are added.

Revisions to 303.3—Offense gravity score (general)

Offense Gravity Score of 15 is assigned only for first and second degree murder when committed by offenders under age 18.

Revisions to 303.4—Prior record score (categories)

No changes.

Revisions to 303.5—Prior record score (prior convictions)

No changes.

Revisions to 303.6—Prior record score (prior juvenile adjudications)

No changes.

Revisions to 303.7—Prior record score (guideline points scoring)

The following offense is added to 303.7(4), misdemeanor 1 offenses that involve danger to children, which are

awarded one point for each prior conviction or adjudication: recruiting criminal gang members.

Revisions to 303.8—Prior record score (miscellaneous)

No changes.

Revisions to 303.9—Guideline sentence recommendations (general)

A new sentencing provision and two enhancements are added.

Sentencing Provisions: Sentences of Persons Younger than Age 18 for Murder in the First or Second Degree

Act 204 of 2012 established mandatory minimum sentences for offenders younger than age 18 convicted of murder in the 1st or 2nd degree, including 1st or 2nd degree murder of unborn child and 1st or 2nd degree murder of law enforcement officer, who are convicted after June 24, 2012. This Act brings Pennsylvania into compliance with the recent U.S. Supreme Court ruling that life without parole cannot be the only sentencing option when an offender is younger than age 18 at the time of the crime. The statute provides for four mandatory minimum sentences of incarceration based on the offender's age at the time of the offense: 1) age 15 to younger than age 18 and 2) younger than age 15.

The Commonwealth must give reasonable notice after conviction but before sentencing to the defendant of its intention to seek a sentence of life imprisonment without parole for first degree murder, first degree murder of unborn child, or first degree murder of law enforcement officer. Life without parole is not applicable to second degree murder, second degree murder of unborn child, and second degree murder of law enforcement officer.

The mandatory minimum sentences for first degree murder are as follows: 1) 35 years for offenders age 15 to younger than 18 and 2) 25 years for offenders younger than age 15. The lower limit of the range for a prior record score of 0 is the mandatory minimum sentence. Mitigated sentences cannot be less than the mandatory minimum sentence.

For Murder 1 (age 15 to <18 yrs), the lower end of the standard range increases 36 months between cells with prior record score (PRS) 0, 1, and 2 and increases 60 months for PRS of 3, 4, 5, and RFEL. The recommendation for a PRS of REVOC is life without parole.

For Murder 1 (age <15 yrs), the lower end of the standard range increases 24 months between cells with PRS of 0, 1, and 2 and increases 48 months between cells 3, 4, 5, and RFEL. The recommendation for a PRS of REVOC is life without parole.

For both age groups, the upper range is life.

The mandatory minimum sentences for second degree murder are as follows: 1) 30 years for offenders age 15 to younger than 18 and 2) 20 years for offenders younger than 15. The lower limit of the range for a prior record score of 0 is the mandatory minimum sentence. Mitigated sentences cannot be less than the mandatory minimum sentence

For Murder 2 (age 15 to <18 yrs), the lower end of the standard range increases 24 months between cells with PRS of 0, 1, and 2 and increases 36 months

between cells with PRS of 3, 4, 5, and REVOC. The upper limit of the standard range for all cells is 624 months (52 years).

For Murder 2 (age <15 yrs), the lower end of the standard range increases 12 months between cells with PRS of 0, 1, and 2 and increases 24 months between cells with PRS of 3, 4, 5, and REVOC. The upper limit of the standard range for all cells is 588 months (49 years).

The court shall consider the Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder in 303.16(b).

Enhancements

The Criminal Gang Enhancement is created as mandated in Act 200 of 2012. An enhancement applies upon conviction. Along with a sentence of confinement for the underlying offense, an enhancement applies for a crime of violence (42 Pa.C.S.A. § 9714(g)) and for the offense of possession with intent to deliver (35 P.S. § 780-113(a)(30)) when the offense is committed in association with a criminal gang. Twelve months are added to the lower end and 12 months to the upper end of the standard range for the criminal gang enhancement.

The Third Degree Murder of a Victim Younger than Age 13 Enhancement is created as mandated in Act 204 of 2012. An enhancement is applied upon conviction. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court. If the court determines the victim of murder in the third degree was younger than age 13 at the time of the offense, the court shall apply the sentencing enhancement. Twenty-four months are added to the lower end of the standard range for offense gravity score of 14, and the statutory limit is applied to the upper end of the standard range.

Revisions to 303.10—Guideline sentence recommendations (enhancements)

The Criminal Gang Enhancement and Third Degree Murder of a Victim Younger than Age 13 Enhancement are added (see 303.9).

Revisions to 303.11—Guideline sentence recommendations (sentencing levels)

No changes.

Revisions to 303.12—Guideline sentence recommendations (sentencing programs)

In § 303.12(a)(4)(ii), the Department of Health Bureau of Drug and Alcohol Programs is changed to Department of Drug and Alcohol Programs. Editorial change to reference Basic Sentencing Matrix § 303.16(a) in § 303.12(b)(1)(ii). Removal of reference to agreement of defendant requirement for state intermediate punishment in § 303.12(c)(2) and (3).

Revisions to 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)

The mitigated sentence under the Criminal Gang Enhancement may not be less than 12 months. The mitigated sentence under the Third Degree Murder of a Victim Younger than Age 13 Enhancement may not be less than 96 months. A mitigated sentence for persons under the age of 18 convicted of the offenses of murder in the first degree or second degree, murder of law enforcement officer in the first or second degree, and murder of

unborn child in the first or second degree may not be less than the mandatory minimum sentence established in statute.

Revisions to 303.14—Guideline sentence recommendations (economic sanctions)

No changes.

Revisions to 303.15—Offense listing

The entire offense listing is replaced with a reformatted offense listing to better correlate the Commission's listing of offenses with the Administrative Office of Pennsylvania Courts' offense listing. The only changes are noted below.

18 Pa.C.S.A.

New offenses:

- § 5131(a)(1) Recruiting criminal gang member—knowingly solicit, cause, attempt cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(1) Recruiting criminal gang member—knowingly solicit, cause, attempt cause person to participate or remain in criminal gang (recruitee age <16)
- § 5131(a)(2) Recruiting criminal gang member—knowingly inflict BI, physical menace, force, threats to cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(2) Recruiting criminal gang member—knowingly inflict BI, physical menace, force, threats to cause person to participate or remain in criminal gang (recruitee age <16)
- § 5131(a)(3) Recruiting criminal gang member—knowingly inflict SBI to cause person to participate or remain in criminal gang (recruitee age 16 or older)
- § 5131(a)(3) Recruiting criminal gang member—knowingly inflict SBI to cause person to participate or remain in criminal gang (recruitee age <16)
- § 6321(b) Knowingly transmits, etc. sexually explicit image of another minor age 12 or older
- § 6321(c)(1) Makes visual depiction of any minor in state of nudity without knowledge or consent with intent to coerce, intimidate, etc.
- § 6321(c)(2) Transmits, distributes, publishes, disseminates visual depiction of any minor in state of nudity without knowledge or consent with intent to coerce, intimidate, etc.

Modification of Offense Gravity Score

- § 2502(a) Murder, First Degree (offender age 15 to <18);
- § 2502(a) Murder, First Degree (offender age <15);
- § 2502(b) Murder, Second Degree (offender age 15 to <18);
- § 2502(b) Murder, Second Degree (offender age <15);
- § 2502(c) Murder, Third Degree (victim age <13);
- § 2507(a) Murder, First Degree of law enforcement officer (offender age 15 to <18);

- § 2507(a) Murder, First Degree of law enforcement officer (offender age <15);
- § 2507(b) Murder, Second Degree of law enforcement officer (offender age 15 to <18);
- § 2507(b) Murder, Second Degree of law enforcement officer (offender age <15);
- § 2604(a) Murder, First Degree of unborn child (offender age 15 to <18);
- § 2604(a) Murder, First Degree of unborn child (offender age <15);
- § 2604(b) Murder, Second Degree of unborn child (offender age 15 to <18);
- § 2604(b) Murder, Second Degree of unborn child (offender age <15);
- § 3925(a) Theft by receiving stolen property (firearm/receiver in business)

Offenses moved from unconsolidated to consolidated statutes

- § 7702(1) Owning, operating, or conducting a chop shop
- § 7702(2) Transports, sells, transfers, purchases, or receives any vehicle or vehicle part illegally obtained from chop shop
- § 7703 Altered or illegally obtained property (alteration or destruction of vehicle identification number)
- § 7704 Altered or illegally obtained property (disposition of vehicle)

Modifications due to expansion of crimes of violence definition (7th Edition correction)

- § 2507(d) Manslaughter, Second Degree of law enforcement officer
- § 3002(a) F1 Trafficking of persons

Corrections to 7th Edition (omitted)

- § 6106(a)(1) Firearms-carried w/o license: ineligible (loaded/ammo available)
- § 6106(a)(1) Firearms-carried w/o license: ineligible (unloaded/no ammo available)

Correction to 7th Edition (correction to grade and Prior Record Score points)

- § 6106(a)(2)* Firearms-carried w/o license: eligible (unloaded/no ammo available & crim. act)

30 Pa.C.S.A.

New offenses:

- § 5507(a) Duties of operators involved in boating accidents-stop
- § 5507(a) Duties of operators involved in boating accidents-stop (death)
- § 5507(b) Duties of operators involved in boating accidents-give information
- § 5507(b) Duties of operators involved in boating accidents-give information (death)
- § 5507(c) Duties of operators involved in boating accidents-render aid
- § 5507(c) Duties of operators involved in boating accidents-render aid (death)

- § 5507(d) Duties of operators involved in boating accidents-stay
- § 5507(d) Duties of operators involved in boating accidents-stay (death)

35 P. S.

Modification of OGS:

- § 780-113(a)(16) Simple possession-GHB (1st offense)
- § 780-113(a)(16) Simple possession-GHB (2nd/subsequent offense)
- § 780-113(a)(34) Place ad for sale of drug paraphernalia-GHB

42 Pa.C.S.A.

Deleted offenses (Statute moved to Title 44 § 2331):

- § 4732 DNA database disclosure prohibition

75 Pa.C.S.A.

Sentencing Enhancement (Offense Gravity Score increased):

- § 3742(a) Accident involving death/personal injury-failure to stop (death)

Revisions to 303.16—Basic sentencing matrix

Format change is made to numbering of section. The basic sentencing matrix is (a).

A section (b), Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder, is added to address offenders younger than age 18 convicted of first or second degree murder. Act 204 of 2012 establishes mandatory minimum sentences for offenders younger than age 18 convicted of murder in the first or second degree, murder of unborn child in the first or second degree, and murder of law enforcement officer in the first or second degree if the offender is younger than 18 at the time of the offense and the conviction occurred after June 24, 2012. Life without parole is a sentencing option for convictions of murder in first degree, murder of unborn child in the first degree, and murder of law enforcement officer in the first degree; notice after conviction and prior to sentencing is required. The offense gravity score of 15 is created and applied only to murder 1 and 2 when committed by an offender under age 18.

Revisions to 303.17—Deadly weapon enhancement matrix

Format change is made to naming and numbering of section to reflect as deadly weapon possessed as section (a). The deadly weapon/used matrix is added as section (b).

Revisions to 303.18—Youth/school enhancement matrices

The deadly weapon/used section was combined with Section § 303.17. The youth and school enhancement matrices moved to 303.18. They are relabeled as (a) Youth, (b) School, and (c) Youth and School.

Resource Utilization

In accordance with 42 Pa.C.S.A. § 2153(a)(15), the Commission determined resources required under current guidelines (7th Edition, effective December 28, 2012) and resources that would be required to carry out the proposed Amendment to the guidelines. The resource utilization analysis focuses on changes initiated by the Commission where reliable data are available. Recently enacted legislation which creates new offenses or adds elements or factors not previously considered are not reflected in the analysis. As an example, resource utilization for the new offense of recruiting criminal gang member and of

the related criminal gang enhancement is not included since no data on convictions for the new offense are available and the percentage of crimes committed in association with a criminal gang could not be reliably determined.

Modifications to sentence recommendations for three offenses account for the modest increase in the utilization of correctional resources: Third degree murder of a victim younger than 13 years of age (18 Pa.C.S.A. § 2502(c)) (42 Pa.C.S.A. § 9711.1), Theft by receiving stolen property (firearm/receiver in business of buying or selling stolen property) (18 Pa.C.S.A. § 3925(b)), and Accidents involving death or personal injury (death of victim) (75 Pa.C.S.A. § 3742(a)). These may be offset to some degree by reductions in sentences associated with first and second degree murder when committed by offender under age 18 (18 Pa.C.S.A. § 2502(a) and (b), § 2507(a) and (b), § 2604(a) and (b)) (18 Pa.C.S.A. § 1102.1).

The resource impact is based upon the disposition and duration of sentences reported to the Commission for calendar year 2011. The metrics were calculated for current guidelines and for the proposed Amendment to the guidelines. The impact represents the difference between the two and is presented as an increase or reduction in the utilization of institutional and community correctional resources on an annual basis. This simulation is based on holding all other factors and conformity to the guidelines constant except the change being analyzed. It addresses minimum sentence imposed and does not take into account additional time served prior to parole or release.

18 Pa.C.S.A. § 2502(c)—Murder 3 (victim less than 13 years of age)

Of 154 Murder 3 cases, it is estimated 5 cases have a victim less than 13 years of age (3% of 154 Murder 3 cases, based on UCR data); projected increase in the minimum sentence of 24 months

No new cases (all offenders currently receive sentence to state prison)

5 offenders X 24.0 minimum months = 120.0 months

18 Pa.C.S.A. § 3925—Theft (firearm / receiver in the business)

Of 26 cases projected for sentences to state prison, 6 are new prison sentences; average 28.7 months (an increase of 8.4 months) minimum sentence

6 persons X 28.7 minimum months = 172.2 months

20 persons X 8.4 minimum months = 168.0 months

75 Pa.C.S.A. § 3742—Accidents involving death / personal injury (resulting in death)

Of 6 cases projected for sentence to state prison, 3 are new prison sentences; average 22.2 months (an increase of 6.9 months) minimum sentence

3 persons X 22.2 minimum months = 66.6 months

3 persons X 6.9 minimum months = 20.7 months

Overall resource utilization is as follows: an increase in utilization of state prison by 45.65 beds per year (547.5 months); a decrease in utilization of county jail by 4.25 beds per year (51.0 months); an increase in utilization of county intermediate punishment by 14 months per year; and a reduction in utilization of county probation by 24 months per year. However, the increases in state prison utilization may be offset by future reductions in sentences for those offenders less than 18 years of age convicted of first and second degree murder. The new statutory provi-

sions and proposed Amendment to the guidelines would have applied to 10 offenders sentenced to life without parole (LWOP) in 2011.

Effective Date

The Amendment to the 7th Edition Sentencing Guidelines shall become effective 90 days after publication in the *Pennsylvania Bulletin* unless disapproved by the General Assembly, pursuant to 42 Pa.C.S.A. § 2155(b). If not disapproved, the Amendment to the 7th Edition Sentencing Guidelines will be effective September 27, 2013 and shall apply to all sentences for offenses committed on or after that date.

PROFESSOR STEVEN L. CHANENSON,
Chair

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.1. Sentencing guidelines standards.

(a) The court shall consider the sentencing guidelines in determining the appropriate sentence for offenders convicted of, or pleading guilty or nolo contendere to, felonies and misdemeanors. Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the offense assigned the higher offense [**gravity**] **Gravity** score.

(b) The sentencing guidelines do not apply to sentences imposed as a result of the following: accelerated rehabilitative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; revocation of probation, intermediate punishment or parole.

(c) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Amendments to the guidelines shall apply to all offenses committed on or after the date the amendment becomes part of the guidelines.

(1) When there are current multiple convictions for offenses that overlap two sets of guidelines, the former guidelines shall apply to offenses that occur prior to the effective date of the amendment and the later guidelines shall apply to offenses that occur on or after the effective date of the amendment. If the specific dates of the offenses cannot be determined, then the later guidelines shall apply to all offenses.

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April [,] 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. Revised sets of guidelines became effective August 12, 1994, June 13, 1997, June 3, 2005, [**and**] December 5, 2008, **and December 28, 2012**.

(d) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where a

court of record imposes a sentence outside the sentencing guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to prepare all guideline-required sentencing information. The completed Guideline Sentence Form shall be made a part of the record and the information electronically submitted to the Commission via SGS Web no later than 30 days after the date of sentencing.

(f) Effective January 1, 2014, the State Identification Number (SID) for an offender shall be included as part of the record in the completed Guideline Sentence Form.

§ 303.2. Procedure for determining the guideline sentence.

(a) For each conviction offense of a judicial proceeding, the procedure for determining the guideline sentence shall be as follows:

(1) Determine the Offense Gravity Score as described in § 303.3 and § 303.15.

(2) Determine the Prior Record Score as described in § 303.4—§ 303.8.

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including **Deadly Weapon Enhancement [and], Youth/School Enhancement, Criminal Gang Enhancement, and Third Degree Murder of a Victim Younger than Age 13 Enhancement** (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

(b) *Judicial proceeding.* A judicial proceeding is a proceeding in which all offenses for which the offender has been convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple offenses and transactions.

§ 303.3. Offense Gravity Score—general.

(a) An Offense Gravity Score is given for each offense. The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain offenses are subcategorized and scored by the Commission according to the particular circumstances of the offense. The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk (*).

(c) *Inchoate offenses.* Inchoate offenses are scored as follows:

(1) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an Offense Gravity Score of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(2) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(3) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101—

§ 780-144) receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(4) *Exception for inchoate murder convictions.* Convictions for attempt, solicitation, or conspiracy to commit murder receive the Offense Gravity Score of 14 if there is serious bodily injury and 13 if there is no serious bodily injury.

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score.

(e) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).* If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance which has the highest Offense Gravity Score.

(1) *Exception for prescription pills.* For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(f) *Omnibus Offense Gravity Scores.* The Omnibus Offense Gravity Score is applied when the offense is not otherwise listed in § 303.15, or when the grade of an offense listed in § 303.15 has changed, unless application of this section would result in a lower Offense Gravity Score for an increased grading of the offense. Where the definition of the crime is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score still applies. The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

Felony 1	8
Felony 2	7
Felony 3	5
Felonies not subclassified by the General Assembly	5
Misdemeanor 1	3
Misdemeanor 2	2
Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder when committed by offenders under age 18.

§ 303.4. Prior Record Score—categories.

(a) *Prior Record Score categories.* Determination of the correct Prior Record Score category under this section is based on the type and number of prior convictions (§ 303.5) and prior juvenile adjudications (§ 303.6). There are eight Prior Record Score categories: Repeat Violent Offender (REVOC), Repeat Felony 1 and Felony 2 Offender (RFEL), and point-based categories of 0, 1, 2, 3, 4 and 5.

(1) *Repeat Violent Offender Category (REVOC).* Offenders who have two or more previous convictions or adjudi-

cations for four point offenses (§ 303.7(a)(1) and § 303.15) and whose current conviction carries an Offense Gravity Score of 9 or higher shall be classified in the Repeat Violent Offender Category.

(2) *Repeat Felony 1 and Felony 2 Offender Category (RFEL)*. Offenders who have previous convictions or adjudications for Felony 1 and/or Felony 2 offenses which total 6 or more in the prior record, and who do not fall within the Repeat Violent Offender Category, shall be classified in the repeat Felony 1 and Felony 2 Offender Category.

(3) *Point-based Categories (0-5)*. Offenders who do not fall into the REVOC or RFEL categories shall be classified in a Point-based Category. The Prior Record Score shall be the sum of the points accrued based on previous convictions or adjudications, up to a maximum of five points.

§ 303.5. Prior Record Score—prior convictions.

(a) If there is a single offense in the prior judicial proceeding, that offense shall be counted in the calculation of the Prior Record Score.

(b) If there are multiple offenses in the prior judicial proceeding:

(1) The most serious offense of the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(2) Any offense for which a sentence of supervision or confinement is imposed consecutive to a sentence for another offense in the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(c) *Un-sentenced convictions*. If no sentence has yet to be imposed on an offense, the offense shall not be counted in the calculation of the Prior Record Score.

(d) *Adequacy of the Prior Record Score*. The court may consider at sentencing prior convictions, juvenile adjudications or dispositions not counted in the calculation of the Prior Record Score, in addition to other factors deemed appropriate by the court.

§ 303.6. Prior Record Score—prior juvenile adjudications.

(a) *Juvenile adjudication criteria*. Prior juvenile adjudications are counted in the Prior Record Score when the following criteria are met:

(1) The juvenile offense occurred on or after the offender's 14th birthday, and

(2) There was an express finding by the juvenile court that the adjudication was for a felony or one of the Misdemeanor 1 offenses listed in § 303.7(a)(4).

(b) Only the most serious juvenile adjudication of each prior disposition is counted in the Prior Record Score. No other prior juvenile adjudication shall be counted in the Prior Record Score.

(c) *Lapsing of juvenile adjudications*. Prior juvenile adjudications for four point offenses listed in § 303.7(a)(1) shall always be included in the Prior Record Score, provided the criteria in subsection (a) above are met:

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if:

(i) The offender was 28 years of age or older at the time the current offense was committed; and

(ii) The offender remained crime-free during the ten-year period immediately preceding the offender's 28th birthday.

(iii) *Crime-free*. Included in the definition of crime-free is any summary offense and/or one misdemeanor offense with a statutory maximum of one year or less.

(2) Nothing in this section shall prevent the court from considering lapsed prior adjudications at the time of sentencing.

§ 303.7. Prior Record Score—guideline points scoring.

(a) Scoring of prior convictions and adjudications is provided below and in the listing of offenses at § 303.15:

(1) *Four Point Offenses*. Four points are added for each prior conviction or adjudication for the following offenses:

Murder, and attempt, solicitation or conspiracy to commit Murder

All other completed crimes of violence, as defined in 42 Pa.C.S. § 9714(g), excluding inchoates.

Murder of Unborn Child, and attempt, solicitation or conspiracy to commit Murder of Unborn Child

Offenses with OGS 11 or greater, excluding inchoates and Violations of the Controlled Substance Act

Ethnic Intimidation to any Felony 1 offense

(2) *Three Point Offenses*. Three points are added for each prior conviction or adjudication for the following offenses:

All other Felony 1 offenses not listed in § 303.7(a)(1).

All other inchoates to offenses listed in § 303.7(a)(1).

Violation of 35 P. S. §§ 780-113(a)(12)(14) or (30) involving 50 grams or more, including inchoates involving 50 grams or more.

(3) *Two Point Offenses*. Two points are added for each prior conviction or adjudication for the following offenses:

All other Felony 2 offenses not listed in § 303.7(a)(1) or (a)(2).

All felony drug violations not listed in § 303.7(a)(2), including inchoates.

(4) *One Point Offenses*. One point is added for each prior conviction or adjudication for the following offenses:

All other felony offenses not listed in § 303.7(a)(1), (a)(2) or (a)(3).

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

Any of the following Misdemeanor 1 offenses that involve death or danger to children:

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult 21 years of age or older)

Luring a Child into a Vehicle

Indecent Assault (complainant is less than 13 years of age)

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Recruiting Criminal Gang Members

Driving Under the Influence of Alcohol or Controlled Substance, except for a first lifetime conviction or adjudication.

Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, except for a first lifetime conviction or adjudication.

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses, including a first lifetime conviction for Driving Under the Influence of Alcohol or a Controlled Substance or Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, are designated by an “m” in the offense listing at § 303.15, and are scored as follows:

(i) One point is added if the offender was previously convicted of two or three misdemeanors.

(ii) Two points are added if the offender was previously convicted of four to six misdemeanors.

(iii) Three points are added if the offender was previously convicted of seven or more misdemeanors.

§ 303.8. Prior Record Score—miscellaneous.

(a) *Prior convictions and adjudications of delinquency.* A prior conviction means “previously convicted” as defined in 42 Pa.C.S. § 2154(a)(2). A prior adjudication of delinquency means “previously adjudicated delinquent” as defined in 42 Pa.C.S. § 2154(a)(2). In order for an offense to be considered in the Prior Record Score, both the commission of and conviction for the previous offense must occur before the commission of the current offense.

(b) *Inchoate offenses.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for criminal attempt, criminal solicitation or criminal conspiracy is scored under § 303.7 based upon the grade of the inchoate offense.

(c) *Ethnic Intimidation.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for Ethnic Intimidation is scored under § 303.7 based upon the grade of the Ethnic Intimidation.

(d) *Former Pennsylvania offenses.*

(1) A prior conviction or adjudication of delinquency under former Pennsylvania law is scored as a conviction for the current equivalent Pennsylvania offense.

(2) When there is no current equivalent Pennsylvania offense, prior convictions or adjudications of delinquency are scored under § 303.7 based on the grade of the offense. When a prior conviction or adjudication of delinquency was for a felony, but the grade of the felony is unknown, it shall be treated as a Felony 3. When a prior conviction was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as other misdemeanors. When it cannot be determined if the prior conviction was a felony, one point misdemeanors, or other misdemeanors, it shall be treated as other misdemeanors. When a prior conviction is for a crime which has a

summary grade, and the grade of the conviction is unknown, the prior conviction shall not be counted in the Prior Record Score.

(e) A prior conviction or adjudication of delinquency for an offense which was misgraded is scored as a conviction for the current equivalent Pennsylvania offense.

(f) *Out-of-state, federal or foreign offenses.*

(1) An out-of-state, federal or foreign conviction or adjudication of delinquency is scored as a conviction for the current equivalent Pennsylvania offense.

(2) A court-martial for a criminal offense under the Uniform Code of Military Justice is considered a federal conviction and is scored as a conviction for the current equivalent Pennsylvania offense. Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be counted in the Prior Record Score.

(3) When there is no current equivalent Pennsylvania offense, determine the current equivalent Pennsylvania grade of the offense based on the maximum sentence permitted, and then apply § 303.8(d)(2).

(g) *Excluded offenses, charges and convictions.* The following types of offenses, charges and convictions shall not be scored in the Prior Record Score:

(1) Summary offenses, violations of local ordinances, direct or indirect contempt of court, violation of protection from abuse orders, and dispositions under Pa.R.Crim.P. Rules 300—320 (relating to accelerated rehabilitative disposition), 35 P.S. § 780-117 (relating to probation without verdict) or 35 P.S. § 780-118 (relating to disposition in lieu of trial or criminal punishment).

(2) A charge which is nolle prossed, dismissed, or on which a demurrer is sustained.

(3) Any prior conviction which contributed to an increase in the grade of a subsequent conviction, except for prior Driving Under the Influence of Alcohol or Controlled Substance convictions.

§ 303.9. Guideline sentence recommendation: general.

(a)(1) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing Matrix [(§ 303.16)] (§ 303.16(a)). The Basic Sentencing Matrix specifies a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(2) Sentences for offenders under age 18 for murder, murder of unborn child, or murder of law enforcement officer. If an offender is under age 18 years at the time of the offense and the conviction occurred after June 24, 2012, the court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1). If the court determines the convicted offender was under age 18 at the time of the offense and the conviction occurred after June 24, 2012, the court shall instead consider the Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder (§ 303.16(b)).

(b) *Deadly Weapon Enhancement sentence recommendations.* If the court determines that an offender possessed a

deadly weapon pursuant to § 303.10(a)(1), the court shall instead consider the DWE/Possessed Matrix [(§ 303.17)] (§ 303.17(a)). If the court determines that an offender used a deadly weapon pursuant to § 303.10(a)(2), the court shall instead consider the DWE/Used Matrix [(§ 303.18)] (§ 303.17(b)). Both enhanced matrices specify a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(c) *Youth/School Enhancement sentence recommendations.* If the court determines that an offender violated the drug act pursuant to § 303.10(b), the court shall consider the applicable matrix in [303.19] 303.18, related to Youth, School, or Youth and School Enhancements. When applying the Youth Enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the School Enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When the Youth and School Enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range. The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(d) *Aggravated and mitigated sentence recommendations.* To determine the aggravated and mitigated sentence recommendations, apply § 303.13.

(e) *Numeric sentence recommendations.* All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement).

(f) *Alphabetic sentence recommendations.* RS in the sentence recommendation, an abbreviation for Restorative Sanctions, suggests use of the least restrictive, [nonconfinement] non-confinement sentencing alternatives described in 42 Pa.C.S. § 9753 (determination of guilt without further penalty), § 9754 (order of probation) and § 9758 (fine). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision for these non-confinement sentencing alternatives. Recommendations related to fines and community service are found at § 303.14(a). RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

(g) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 and § 1104 (relating to sentence of imprisonment for felony and misdemeanor) and 42 Pa.C.S. § 9755(b) and § 9756(b) (relating to sentence of partial and total confinement) or other applicable statute setting the maximum term of confinement, then the statutory limit is the longest guideline sentence recommendation. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum allowed by law.

(h) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the

sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

(i) *Mandatory sentences for which county intermediate punishment is authorized.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under 30 Pa.C.S. § 5502 (Operating [a] Watercraft Under the Influence of Alcohol or a Controlled Substance), 75 Pa.C.S. § 1543(b) (Driving While Operating Privilege is Suspended or Revoked, Certain Offenses), 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance) or 75 Pa.C.S. § 3808(a)(2) (Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock). The court may use a Qualified Restrictive Intermediate Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement as provided by law.

(j) *Criminal Gang Enhancement recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of possession with intent to deliver as defined in 35 P.S. § 780-113(a)(30) is committed in association with a criminal gang, the court shall instead consider the Criminal Gang Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(k) *Third Degree Murder of a Victim Younger than Age 13 Enhancement recommendations.* If the court determines that the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the Third Degree Murder of a Victim Younger than Age 13 Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Third Degree Murder of a Victim Younger than Age 13 Enhancement adds 24 months to the lower limit of the standard range and assigns the statutory limit as the upper limit of the standard range. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix [(§ 303.17)] (§ 303.17(a)). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or

serious bodily injury where the court determines that the [**defendant**] **offender** intended to use the weapon to threaten or injure another individual.

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix [(§ 303.18)] (§ 303.17(b)). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality capable of producing death or serious bodily injury.

(3) There shall be no Deadly Weapon Enhancement for the following offenses:

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

(iv) Possession of Firearm or Other Dangerous Weapon in Court Facility

(v) Simple Assault (18 Pa.C.S. § 2701(a)(2))

(vi) Aggravated Assault (18 Pa.C.S. § 2702(a)(4))

(vii) Theft when property stolen is a firearm (18 Pa.C.S. Chapter 39)

(viii) Violations of the Pennsylvania Uniform Firearms Act

(ix) Any other offense for which possession of a deadly weapon is an element of the statutory definition.

(4) The Deadly Weapon Enhancement shall apply to each conviction offense for which a deadly weapon is possessed or used.

(b) *Youth/School Enhancement.*

(1) When the court determines that the offender distributed a controlled substance to a person or persons under the age of 18, the court shall consider the range of sentences described in § 303.9(c).

(2) When the court determines that the offender manufactured, delivered or possessed with intent to deliver a controlled substance within 250 feet of the real property on which is located a public or private elementary or secondary school, the court shall consider the range of sentences described in § 303.9(c).

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the range of sentences described in § 303.9(c).

(4) The Youth/School Enhancement only applies to violations of 35 P.S. § 780-113(a)(14) and (a)(30).

(5) The Youth/School Enhancement shall apply to each violation which meets the criteria above.

(c) *Criminal Gang Enhancement.*

(1) When the court determines that the offender committed a crime of violence as defined in 42 Pa.C.S. § 9714(g) in association with a criminal gang, the court shall instead consider the range of sentences described in § 303.9(j).

(2) When the court determines that the offender committed a violation of possession with intent to deliver as defined in 35 P.S. § 780-113(a)(30) in association with a criminal gang, the court shall instead consider the range of sentences described in § 303.9(j).

(3) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

(d) *Third Degree Murder of a Victim Younger than Age 13 Enhancement.*

(1) When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the range of sentences described in § 303.9(k).

(2) Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.

(3) The sentence imposed will be served consecutive to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

§ 303.11. Guideline sentence recommendation: sentencing levels.

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or Youth/School Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

(1) *Level 1*—Level 1 provides sentence recommendations for the least serious offenders with no more than one prior misdemeanor conviction, such that the standard range is limited to Restorative Sanctions (RS). The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. The following sentencing option is available:

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(2) *Level 2*—Level 2 provides sentence recommendations for generally non-violent offenders and those with numerous less serious prior convictions, such that the

standard range requires a county sentence but permits both incarceration and non-confinement. The standard range is defined as having an upper limit of less than 12 months and a lower limit of Restorative Sanctions (RS). The primary purposes of this level are control over the offender and restitution to victims. Treatment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a county facility

Partial confinement in a county facility

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or County Intermediate Punishment, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. Included in Level 3 are those offenses for which a mandatory minimum sentence of 12 months or less applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility pursuant to 42 Pa.C.S. § 9762(b). The standard range is defined as having a lower limit of incarceration of 12 months or greater but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, pursuant to 42 Pa.C.S. § 9762(b), and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § [303.12.(a)] 303.12(a) for eligibility criteria)

(5) *Level 5*—Level 5 provides sentence recommendations for the most violent offenders and those with major drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower limit of 12 months or greater. Included in Level 5 are those offenses for which a mandatory minimum sentence of 30 months or greater applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment commensurate with the seriousness of the criminal behavior and incapacitation to protect the public. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § [303.12.(a)] 303.12(a) for eligibility criteria)

§ 303.12. Guideline sentence recommendations: sentencing programs.

(a) *County intermediate punishment (CIP).*

(1) *Eligibility.*

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs:

37 Pa. Code § 451.1 et seq.

42 Pa.C.S. § 9763, § 9773 and Chapter 98

204 Pa. Code § 303.8 and § 303.9

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated in the guideline matrices.

(2) The county intermediate punishment plan provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

(3) *County intermediate punishments classifications.* In order to incorporate county intermediate punishment programs into the sentencing levels, the Commission has classified county intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific county intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for convictions relating to Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, Driving Under the Influence of Alcohol or Controlled Substance and Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of offenders. All programs must meet the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter 451) for county intermediate punishments.

(i) Restrictive Intermediate Punishments (RIP) either:

(A) house the offender full or part time; or

(B) significantly restrict the offender's movement and monitor the offender's compliance with the program(s); or

(C) involve a combination of programs that meet the standards set forth above.

(ii) An offender under consideration for Restrictive Intermediate Punishments at Level 4 or Level 3 shall have a diagnostic assessment of dependency on alcohol or other drugs conducted by one of the following: the Pennsylvania Department of [**Health's Bureau of**] Drug and Alcohol Programs [**(BDAP)**] or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the [**Bureau**] **Department** of Drug and Alcohol Programs.

(iii) An offender assessed to be dependent shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall take into account the level of motivation of the offender. If sentenced to a Restrictive Intermediate Punishment, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range sentencing recommendation.

(iv) An offender assessed as not in need of drug or alcohol treatment may be placed in any approved Restrictive Intermediate Punishment program. Each day of

participation in a Restrictive Intermediate Punishment program or combination of programs shall be considered the equivalent of one day of total confinement for guideline sentence recommendations.

(v) The court may impose a Qualified Restrictive Intermediate Punishment in lieu of incarceration for certain convictions under 75 Pa.C.S. § 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

(5) *Restorative sanction programs.* Restorative sanction programs are the least restrictive, non-confinement intermediate punishments. Restorative sanction programs are generally used in conjunction with Restrictive Intermediate Punishments as the level of supervision is reduced, but may also be used as separate sanctions under any of the non-confinement sentencing alternatives provided in the statute (see § 303.9(f)).

(i) Restorative sanction programs:

(A) are the least restrictive in terms of constraint of offender's liberties;

(B) do not involve the housing of the offender (either full or part time); and

(C) focus on restoring the victim to pre-offense status.

(6) *Qualified Restrictive Intermediate Punishments.* In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451, Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 30 Pa.C.S. § 5502(c.1) for a first, second or third offense under 30 Pa.C.S. § 5502, 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38, or 75 Pa.C.S. § 3808(a)(2) Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock.

(i) Unless otherwise provided in statute, Qualified Restrictive Intermediate Punishment programs include:

(A) if the [**defendant**] **offender** is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance;

3. a partial confinement program such as work release, a work camp or a halfway facility; or

4. any combination of Qualified Restrictive Intermediate Punishment programs.

(B) if the [**defendant**] **offender** is determined not to be in need of drug and alcohol treatment, or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1), a sentence to county intermediate punishment may include:

1. house arrest with electronic surveillance; or

2. partial confinement programs such as work release, a work camp or a halfway facility; or

3. any combination of Qualified Restrictive Intermediate Punishment programs.

(b) *State Motivational Boot Camp (BC)*.

(1) *Eligibility*.

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 61 Pa.C.S. Chapter 39.

(ii) Sentence recommendations which include boot camp eligible offenders are designated by the letters BC in the cells of the Basic Sentencing Matrix [(**§ 303.16**)] (**§ 303.16(a)**).

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the offender is authorized as eligible for the boot camp program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the boot camp program.

(c) *State Intermediate Punishment (SIP)*.

(1) *Eligibility*.

(i) The following statute governs operation of and eligibility for State Intermediate Punishment: 61 Pa.C.S. Chapter 41.

(ii) Any person convicted of a drug-related offense for which the sentence recommendation includes total confinement in a state facility may be considered for state intermediate punishment.

(2) The court may, upon motion of the Commonwealth [**and agreement of the defendant, commit a defendant**], **commit an offender** to the custody of the Department of Corrections for the purpose of evaluating whether the [**defendant**] **offender** would benefit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

(3) Upon receipt of a recommendation for placement in a drug offender treatment program and an individualized treatment plan from the Department of Corrections, and agreement of the attorney for the Commonwealth [**and the defendant**], the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

(4) The court may impose a consecutive period of probation. The total duration of a sentence of state intermediate punishment and consecutive probation may not exceed the maximum term for which the eligible offender could otherwise be sentenced.

§ 303.13. Guideline sentence recommendations: aggravated and mitigated circumstances.

(a) When the court determines that an aggravating circumstance(s) is present, it may impose an aggravated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12 and 13 the court may impose a sentence that is up to 12 months longer than the upper limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months longer than the upper limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months longer than the upper limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months longer than the upper limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours longer than the upper limit of the standard range.

(5) When the standard range is Restorative Sanctions (RS), the aggravated sentence recommendation is RIP-3.

(b) When the court determines that a mitigating circumstance(s) is present, it may impose a mitigated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12, 13, and 14 the court may impose a sentence that is up to 12 months shorter than the lower limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months shorter than the lower limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months shorter than the lower limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months shorter than the lower limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours shorter than the lower limit of the standard range.

(5) When the bottom of the standard range is less than or equal to 3 months of incarceration, the lower limit of the mitigated sentence recommendation is Restorative Sanctions (RS).

(6) In no case where a Deadly Weapon Enhancement is applied may the mitigated sentence recommendation be lower than 3 months.

(7) In no case where the Youth/School Enhancement is applied may the mitigated sentence recommendation be lower than 6 months for the Youth Enhancement, 12 months for the School Enhancement, and 18 months for the Youth and School Enhancement.

(8) In no case where the Criminal Gang Enhancement is applied may the mitigated sentence recommendation be lower than 12 months.

(9) In no case where the Third Degree Murder of a Victim Younger than Age 13 Enhancement is applied may the mitigated sentence recommendation be lower than 96 months.

(10) In no case shall a mitigated sentence for offenders under age 18 for murder of the first or second degree, murder of unborn child of the first or second degree, or murder of law enforcement officer of the first or second degree be less than the mandatory minimum established in statute (18 Pa.C.S. § 1102.1).

(c) When the court imposes an aggravated or mitigated sentence, it shall state the reasons on the record and on the Guideline Sentence Form, a copy of which is electronically transmitted to the Commission on Sentencing in the manner described in § 303.1(e).

§ 303.14. Guideline sentence recommendations—economic sanctions.

(a) *Fines.*

(1) Fines may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1101 (relating to fines)
- (ii) 35 P.S. § 780-113(b)—(o) (relating to controlled substances)
- (iii) 42 Pa.C.S. § 9726 (relating to fine as a sentence)
- (iv) 42 Pa.C.S. § 9758 (relating to imposition of a fine)
- (v) 75 Pa.C.S. § 3804 (relating to fines for DUI)

(2) A fine, within the limits established by law, shall be considered by the court when the offender is convicted of 35 P.S. § 780-113(a)(12), (14) or (30), and the drug involved is any of the following: a controlled substance or counterfeit substance classified in Schedule I or II and which is a narcotic; phencyclidine, methamphetamine, or cocaine, including the isomers, salts, compounds, salts of isomers, or derivatives of phencyclidine, methamphetamine, or cocaine; or is in excess of one thousand pounds of marijuana. Such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances. Such fine shall not include assets concerning which the attorney for the Commonwealth has filed a forfeiture petition or concerning which he has given notice to the court of his intent to file a forfeiture petition.

(3) Fines may be utilized as part of a county intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(4) *Fines/Community Service Guidelines.* The following guidelines shall be considered by the court when ordering fines or community service as a Restorative Sanction without confinement. Community service, when ordered, is imposed as a condition of probation. A fine, when ordered, is imposed as a non-confinement sentencing alternative or as a condition of probation. The fines guidelines are determined by multiplying the number of hours recommended by the offender's hourly wage or the current minimum wage, whichever is higher, but may not exceed the statutory maximum fine authorized by law

(A) *OGS 1*

- i. PRS 0 25 hours-50 hours
- ii. PRS 1 50 hours-75 hours
- iii. PRS 2 75 hours-100 hours
- iv. PRS 3 100 hours-125 hours
- v. PRS 4 125 hours-150 hours
- vi. PRS 5 150 hours-175 hours

(B) *OGS 2*

- i. PRS 0 25 hours-50 hours
- ii. PRS 1 75 hours-100 hours
- iii. PRS 2 100 hours-125 hours
- iv. PRS 3 125 hours-150 hours
- v. PRS 4 150 hours-175 hours

(C) *OGS 3*

- i. PRS 0 50 hours-75 hours
- ii. PRS 1 150 hours-175 hours
- iii. PRS 2 225 hours-250 hours
- iv. PRS 3 300 hours-325 hours

(D) *OGS 4*

- i. PRS 0 100 hours-125 hours
- ii. PRS 1 225 hours-250 hours
- iii. PRS 2 300 hours-325 hours

(E) *OGS 5*

- i. PRS 0 225 hours-250 hours

(b) *Costs and fees.*

(1) Costs and fees may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
- (ii) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)
- (iii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
- (iv) 42 Pa.C.S. § 1725 (relating to fees and charges)
- (v) 42 Pa.C.S. § 1725.1 (relating to costs)
- (vi) 42 Pa.C.S. § 1725.2 (relating to costs of summary convictions)
- (vii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)
- (viii) 42 Pa.C.S. § 1726.1 (relating to forensic exam)
- (ix) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)
- (x) 42 Pa.C.S. § 9728(c) (relating to costs, etc.)

(c) *Restitution.*

(1) Restitution shall be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)
- (ii) 18 Pa.C.S. § 1107 (relating to theft of timber)
- (iii) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)
- (iv) 42 Pa.C.S. § 9720.1 (relating to identity theft)
- (v) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)

(2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

§ 303.15. Offense Listing.

(Editor's Note: The Commission is replacing the current offense listing which appears in 204 Pa. Code pages 303-28—303-74, serial pages (364242)—(364288), with the following table. The table is printed in regular type to enhance readability. The Commentary on Annex A lists the additions, deletions and modifications to the current offense listing.)

CRIMES CODE OFFENSES

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
901	Criminal attempt (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal solicitation (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal conspiracy (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing instruments of crime (criminal instruments)	M-1	3	m
907(b)	Possessing instruments of crime (weapon)	M-1	4	1
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	5	1
908(a)	Prohibited offensive weapons	M-1	4	1
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	2
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	1
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	2
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	1
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	3	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	2
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	m
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	2
911(b)(1)	Corrupt organizations	F-1	8	3
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	3
911(b)(3)	Corrupt organizations-employee participation	F-1	8	3
911(b)(4)	Corrupt organizations-conspire	F-1	8	3
912(b)	Possession of weapon on school property	M-1	4	1
913(a)(1)	Possession of weapon in court facility	M-3	1	m
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	1
2102(a)(1)	Desecration of flag (marks or writing)	M-3	1	m
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	m
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	m
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	1	m
2103	Insults to national or Commonwealth flag	M-2	2	m
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(a)	Murder-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2502(a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	15	4
2502(a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	15	4
2502(b)	Murder-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2502(b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	15	4
2502(b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	15	4
2502(c)	Murder-3rd degree	F-1	14	4
2502(c)	Murder-3rd degree (victim <13 yrs)	F-1	14	4
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	4
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	4
2503(b)	Voluntary manslaughter (believe justified)	F-1	11	4
2504(a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	2
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2504(a)*	Involuntary manslaughter	M-1	6	1
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	14	4
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	4
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	1
2505(a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	2
2505(a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	1
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	6	2
2505(b)	Suicide, aiding or soliciting (no result)	M-2	2	m
2506(a)	Drug delivery resulting in death	F-1	13	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(a)	Murder of a law enforcement officer-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2507(a)	Murder of a law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2507(a)	Murder of a law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2507(b)	Murder of a law enforcement officer-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2507(b)	Murder of a law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2507(b)	Murder of a law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2507(c)(1)(i)	Manslaughter of a law enforcement officer (1st degree/provocation by victim)	F-1	14	4
2507(c)(1)(ii)	Manslaughter of a law enforcement officer (1st degree/provocation by another)	F-1	14	4
2507(c)(2)	Manslaughter of a law enforcement officer (1st degree/believe justified)	F-1	14	4
2507(d)	Manslaughter of a law enforcement officer (2nd degree)	F-2	9	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of an unborn child (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2604(a)(1)	Murder of an unborn child-1st degree	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
2604(a)(1)	Murder of an unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2604(a)(1)	Murder of an unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2604(b)(1)	Murder of an unborn child-2nd degree	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2604(b)(1)	Murder of an unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2604(b)(1)	Murder of an unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2604(c)(1)	Murder of an unborn child-3rd degree	F-1	14	4
2605(a)(1)	Voluntary manslaughter of an unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of an unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of an unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of an unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of an unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=21)	M-1	4	1
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=21)	M-1	4	1
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	m
2701(a)(3)	Simple assault-cause fear of SBI	M-2	3	m
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult 21+)	M-1	4	1
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=21)	M-1	4	1
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	m
2702(a)(1)*	Aggravated assault-cause SBI	F-1	11	4
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	10	3
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	4
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	3
2702(a)(3)	Aggravated assault-cause BI to police/enumerated persons	F-2	6	2
2702(a)(4)	Aggravated assault-cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-cause BI to teacher, etc	F-2	6	2
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	6	2
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	2
2702.1(a)	Assault of law enforcement officer-discharge firearm (1st degree)	F-1	13	4
2703(a)	Assault by prisoner	F-2	7	2
2703.1	Aggravated harassment by prisoner	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2704	Assault by life prisoner	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1
2708(a)	Use of tear gas in labor dispute	M-1	3	m
2709(a)(4)	Harassment-lewd communication	M-3	1	m
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	1	m
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	m
2709(a)(7)	Harassment-repeated communication: other	M-3	1	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712(a)	Assault-sports official	M-1	3	m
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	3
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	m
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	3
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	m
2714	Unauthorized administration of intoxicant	F-3	8	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	4
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	4
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(2)	Terrorism-influence govt (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(2)	Terrorism-influence govt (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2901(a)(1)	Kidnapping-for ransom (victim >=18 yrs)	F-1	10	4
2901(a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs)	F-1	10	4
2901(a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs)	F-1	10	4
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	4
2902(a)(1)	Unlawful restraint-risk SBI	M-1	3	m
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	3	m
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	2
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	2
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	2
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	2
2903(a)	False imprisonment (victim >=18 yrs)	M-2	2	m
2903(b)	False imprisonment (victim <18 yrs)	F-2	8	2
2903(c)	False imprisonment by parent (victim<18 yrs)	F-2	7	2
2904(a)	Interfere with custody of children	F-3	6	1
2904(a)	Interfere with custody of children-good cause/ time <24 hrs.	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
3002(a)	Trafficking of persons	F-2	9	2
3002(a)	Trafficking of persons (victim <18 yrs)	F-1	10	4
3002(a)	Trafficking of persons-w/ BI	F-1	10	4
3121(a)(1)	Rape-forcible compulsion	F-1	12	4
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(2)	Rape-threat of forcible compulsion	F-1	12	4
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(3)	Rape-unconscious victim	F-1	12	4
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	4
3121(a)(4)	Rape-substantially impaired victim	F-1	12	4
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	4
3121(a)(5)	Rape-mentally disabled victim	F-1	12	4
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	4
3121(c)	Rape-child (victim <13 yrs)	F-1	14	4
3121(d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	4
3122.1(a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	2
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	2
3122.1(b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	3
3123(a)(1)	IDSI-forcible compulsion	F-1	12	4
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	12	4
3123(a)(3)	IDSI-unconscious victim	F-1	12	4
3123(a)(4)	IDSI-substantially impaired victim	F-1	12	4
3123(a)(5)	IDSI-mentally disabled victim	F-1	12	4
3123(a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	4
3123(b)	IDSI-child (victim <13 yrs)	F-1	14	4
3123(c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	4
3124.1	Sexual assault	F-2	11	4
3124.2(a)	Institutional sexual assault-generally	F-3	6	1
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	1
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	1
3124.2(a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-1	12	4
3125(a)(8)	Aggravated indecent assault-victim <16 yrs (person >=4 yrs older)	F-2	10	4
3126(a)(1)	Indecent assault-w/o consent	M-2	4	m
3126(a)(2)	Indecent assault-forcible compulsion	M-1	5	m
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	m
3126(a)(4)	Indecent assault-unconscious victim	M-1	5	m
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	5	m
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	5	m
3126(a)(7)	Indecent assault-victim <13 yrs	M-1	5	1
3126(a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	1
3126(a)(8)	Indecent assault-victim <16 yrs (person >=4 yrs older)	M-2	4	m
3127(a)	Indecent exposure	M-2	3	m
3127(a)	Indecent exposure-victim <16 yrs	M-1	4	1
3129	Sexual intercourse with animal	M-2	2	m
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	1
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	1
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	1
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	4
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	18 Pa.C.S. § 1102(a)	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	18 Pa.C.S. § 1102(b)	4
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	2
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	6	2
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	6	2
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	1
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	1
3301(e)(1)	Arson-failure to control/report (duty)	M-1	3	m
3301(e)(2)	Arson-failure to control/report (own property)	M-1	3	m
3301(f)	Arson-possess explosive material (intent to use)	F-3	5	1
3301(g)	Arson-failure to disclose true owner	M-3	1	m
3302(a)	Catastrophe-causing (intentionally)	F-1	10	3
3302(a)	Catastrophe-causing (recklessly)	F-2	6	2
3302(b)	Catastrophe-risking	F-3	4	1
3303(1)	Failure to prevent catastrophe-duty	M-2	2	m
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	1
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	1
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	1
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	m
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	1
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	m
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	m
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	1
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	m
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	m

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3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	1
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	m
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	m
3305	Tampering w/ fire apparatus/hydrants	M-3	1	m
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	1
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	m
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	m
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	m
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	5	1
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	2	m
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	5	1
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	2	m
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	2	m
3309(a)	Agricultural vandalism (>\$5,000)	F-3	5	1
3309(a)	Agricultural vandalism (>\$1,000)	M-1	3	m
3309(a)	Agricultural vandalism (>\$500)	M-2	2	m
3309(a)	Agricultural vandalism (<=\$500)	M-3	1	m
3310(a)	Agricultural crop destruction	F-2	7	2
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-1)	F-1	14	4
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-1)	F-1	14	4

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3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-3/ ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-1)	F-1	14	4
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3)	M-2	one point higher than object offense	See § 303.7(a)

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3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	3	m
3313(a)	Illegal dumping of methamphetamine waste	F-3	5	1
3502(a)(1)	Burglary-home/person present	F-1	9	4
3502(a)(2)	Burglary-home/no person present	F-1	7	3
3502(a)(3)	Burglary-not a home/person present	F-1	6	3
3502(a)(4)	Burglary-not a home/no person present	F-2	5	2
3503(a)(1)(i)	Criminal trespass-buildings	F-3	3	1
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	2
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	m
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	m
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	m
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	m
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	m
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3701(a)(1)(i)	Robbery-inflicts SBI	F-1	12	4
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	10	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	4
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	2
3701(a)(1)(v)	Robbery-takes property by force	F-3	5	1
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	2
3702(a)*	Robbery of motor vehicle-with SBI	F-1	12	4
3702(a)*	Robbery of motor vehicle-without SBI	F-1	9	4
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	8	2

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3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	8	2
3921(a)*	Theft by unlaw taking-movable property (>\$100,000)	F-3	8	1
3921(a)*	Theft by unlaw taking-movable property (>\$50,000-\$100,000)	F-3	7	1
3921(a)*	Theft by unlaw taking-movable property (>\$25,000-\$50,000)	F-3	6	1
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	m
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	m
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	2
3921(b)*	Theft by unlaw taking-immovable property (>\$100,000)	F-3	8	1
3921(b)*	Theft by unlaw taking-immovable property (>\$50,000-\$100,000)	F-3	7	1
3921(b)*	Theft by unlaw taking-immovable property (>\$25,000-\$50,000)	F-3	6	1
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	m
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	m
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	8	2
3922(a)(1)*	Theft by deception-false impression (>\$100,000)	F-3	8	1
3922(a)(1)*	Theft by deception-false impression (>\$50,000-\$100,000)	F-3	7	1
3922(a)(1)*	Theft by deception-false impression (>\$25,000-\$50,000)	F-3	6	1
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	m

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3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	m
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	m
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	8	2
3922(a)(2)*	Theft by deception-conceal information (>\$100,000)	F-3	8	1
3922(a)(2)*	Theft by deception-conceal information (>\$50,000-\$100,000)	F-3	7	1
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-\$50,000)	F-3	6	1
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	m
3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	m
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	2
3922(a)(3)*	Theft by deception-fail to correct (>\$100,000)	F-3	8	1
3922(a)(3)*	Theft by deception-fail to correct (>\$50,000-\$100,000)	F-3	7	1
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-\$50,000)	F-3	6	1
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	m
3922(a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	m
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	2
3923(a)(1)*	Theft by extortion-commit crime (>\$100,000)	F-3	8	1
3923(a)(1)*	Theft by extortion-commit crime (>\$50,000-\$100,000)	F-3	7	1
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-\$50,000)	F-3	6	1
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1

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3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	m
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	2
3923(a)(2)*	Theft by extortion-accuse of crime (>\$100,000)	F-3	8	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$50,000-\$100,000)	F-3	7	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-\$50,000)	F-3	6	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	m
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	2
3923(a)(3)*	Theft by extortion-expose secret (>\$100,000)	F-3	8	1
3923(a)(3)*	Theft by extortion-expose secret (>\$50,000-\$100,000)	F-3	7	1
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-\$50,000)	F-3	6	1
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	m
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	m
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	8	2
3923(a)(4)*	Theft by extortion-official action (>\$100,000)	F-3	8	1
3923(a)(4)*	Theft by extortion-official action (>\$50,000-\$100,000)	F-3	7	1
3923(a)(4)*	Theft by extortion-official action (>\$25,000-\$50,000)	F-3	6	1
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1

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3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	m
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	m
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	2
3923(a)(5)*	Theft by extortion-strike/boycott (>\$100,000)	F-3	8	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$50,000-\$100,000)	F-3	7	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-\$50,000)	F-3	6	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	m
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	m
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	8	2
3923(a)(6)*	Theft by extortion-testimony (>\$100,000)	F-3	8	1
3923(a)(6)*	Theft by extortion-testimony (>\$50,000-\$100,000)	F-3	7	1
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-\$50,000)	F-3	6	1
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	m
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	m
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	2
3923(a)(7)*	Theft by extortion-inflict harm (>\$100,000)	F-3	8	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$50,000-\$100,000)	F-3	7	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-\$50,000)	F-3	6	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	m

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3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	m
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	m
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	2
3924	Theft of property-lost/mislaid (firearm)	F-2	8	2
3924*	Theft of property-lost/mislaid (>\$100,000)	F-3	8	1
3924*	Theft of property-lost/mislaid (>\$50,000-\$100,000)	F-3	7	1
3924*	Theft of property-lost/mislaid (>\$25,000-\$50,000)	F-3	6	1
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	3	m
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	2	m
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	1	m
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	2
3925(a)	Theft by receiving stolen property (disaster)	F-2	8	2
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	9	3
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	2
3925(a)*	Theft by receiving stolen property (>\$100,000)	F-3	8	1
3925(a)*	Theft by receiving stolen property (>\$50,000-\$100,000)	F-3	7	1
3925(a)*	Theft by receiving stolen property (>\$25,000-\$50,000)	F-3	6	1
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	m
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	m
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	8	2
3926(a)(1)*	Theft of services-obtain service (>\$100,000)	F-3	8	1
3926(a)(1)*	Theft of services-obtain service (>\$50,000-\$100,000)	F-3	7	1
3926(a)(1)*	Theft of services-obtain service (>\$25,000-\$50,000)	F-3	6	1

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3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	m
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	2
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$100,000)	F-3	8	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$50,000-\$100,000)	F-3	7	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-\$50,000)	F-3	6	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	2
3926(b)	Theft of services-divert service (firearm)	F-2	8	2
3926(b)*	Theft of services-divert service (>\$100,000)	F-3	8	1
3926(b)*	Theft of services-divert service (>\$50,000-\$100,000)	F-3	7	1
3926(b)*	Theft of services-divert service (>\$25,000-\$50,000)	F-3	6	1
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	m
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	1	m
3926(e)	Theft of services-transfer device/plan	M-3	1	m
3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	8	2
3927(a)*	Theft by failure-req. disposition funds (>\$100,000)	F-3	8	1

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3927(a)*	Theft by failure-req. disposition funds (>\$50,000-\$100,000)	F-3	7	1
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-\$50,000)	F-3	6	1
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	m
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	m
3928(a)	Unauthorized use of auto	M-2	2	m
3928(a)	Unauthorized use of auto (disaster)	F-2	8	2
3929(a)(1)	Retail theft-take merchandise (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	m
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	1
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	8	2
3929(a)(2)	Retail theft-alter price (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	m
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	1
3929(a)(2)	Retail theft-alter price (disaster)	F-2	8	2
3929(a)(3)	Retail theft-transfer container (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	m
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	1
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	8	2
3929(a)(4)	Retail theft-under-rings (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	m
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	1
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	8	2
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$2000/or firearm/motor vehicle)	F-3	5	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	2

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3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	m
3929.1(a)	Library Theft (2nd off& <\$150)	M-2	2	m
3929.1(a)	Library Theft (3rd/Subsq off)	F-3	5	1
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	3	m
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	7	2
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	1
3930(a)(1)	Theft of trade secrets-by force	F-2	7	2
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	7	2
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	7	2
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	5	1
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	1
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	1
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	m
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	m
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	8	2
3932(a)	Theft of leased property (firearm)	F-2	8	2
3932(a)*	Theft of leased property (>\$100,000)	F-3	8	1
3932(a)*	Theft of leased property (>\$50,000-\$100,000)	F-3	7	1
3932(a)*	Theft of leased property (>\$25,000-\$50,000)	F-3	6	1
3932(a)*	Theft of leased property (>\$2,000-\$25,000/or motorized vehicle)	F-3	5	1
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	m
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	m
3932(a)	Theft of leased property (<\$50/no threat)	M-3	1	m
3934(a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	1
3934(a)	Theft from a motor vehicle (>\$200)	M-1	3	m
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	m
3934(a)	Theft from a motor vehicle (<\$50)	M-3	1	m
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/ etc.)	F-2	4	2
4101(a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	3	1
4101(a)(1)	Forgery-altered writing (other)	M-1	3	m
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	3	1
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	3	m

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4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	3	1
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/ records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks—issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks—issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	5	1
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	m
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	5	1
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	m
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	m
4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	1
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	1

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4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	4	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	m
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	m

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4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	2

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4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107.1(a)	Deception relating to kosher food products	M-3	1	m
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	1
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m
4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	m
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	1
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	1
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	1
4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	1
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	1
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	1

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4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	m
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	m
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	m
4117(b)(4)	Insurance fraud-false insurance application	M-1	3	m
4118	Washing vehicle titles	F-3	4	1
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	3	m
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4120(a)	Identity theft (>=\$2,000)	F-3	5	1
4120(a)	Identity theft (<\$2,000)	M-1	3	m
4120(a)	Identity theft (3rd/subsq off)	F-2	7	2
4120(a)	Identity theft (furtherance of conspiracy)	F-3	5	1

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4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	1
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	2
4301(a)	Bigamy (by married person)	M-2	3	m
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	3	m
4302(a)	Incest (victim >18 yrs.)	F-2	9	4
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	4
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	4
4303(a)	Concealing death of child	M-1	3	m
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	5	1
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	1
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
4305	Dealing in infant children	M-1	4	1
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	1
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	2	m
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	1
4703	Retaliation for past official action	M-2	2	m
4902(a)	Perjury	F-3	5	1
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	2	m
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	2	m
4903(b)	False swearing-statement required to be sworn	M-3	1	m
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	2	m
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	m

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4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	m
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	1	m
4905(a)	False alarms to agency of public safety	M-1	3	m
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	5	1
4906(a)	False reports-falsely incriminate another	M-2	2	m
4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	m
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	3	m
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	1	m
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	m
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information	M-3	1	m
4906(b)(2)	False Reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	m
4909	Witness or informant taking bribe	F-3	5	1
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	m
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1
4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m
4913(a)	Impersonating a notary public (intent to harm/ defraud)	M-1	3	m
4914(a)	False identification to law enforcement authorities	M-3	1	m
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	3

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4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	2
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	2
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	3
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	m

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4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	m
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	2
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	1
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	2
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	1
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	m
4953(a)	Retaliation against witness/victim-listed factor	F-3	8	1
4953(a)	Retaliation against witness/victim-general	M-2	5	m

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4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	2
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	6	m
5101	Obstructing admin. of law/other govt. function	M-2	3	m
5102(a)	Obstructing/impeding justice by picketing	M-2	2	m
5103	Unlawfully listening into deliberations of jury	M-3	1	m
5104	Resisting arrest, etc.	M-2	2	m
5104.1(a)	Disarming law enforcement officer	F-3	5	1
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	2	m
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	1
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	m
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	1
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	m
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	1
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	2	m
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	1
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	m
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	1
5107(a)	Aiding consummation of crime	M-2	2	m
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	1
5108(a)	Compounding	M-2	2	m
5109	Barratry-vex with unjust/vexatious suits	M-3	1	m
5110	Contempt of General Assembly	M-3	1	m
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	3
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	3
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	3
5112(a)	Obstructing emergency services	M-3	1	m
5121(a)	Permitting/facilitating escape	M-2	3	m
5121(a)	Escape	M-2	3	m
5121(a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Escape (all other specified escapes)	F-3	6	1
5121(a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	6	1

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5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	8	m
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	4	m
5123(a)	Contraband-provide controlled substance to inmate	F-2	7	2
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	7	2
5123(b)	Contraband-provide money to inmate	M-3	1	m
5123(c)	Contraband-provide other contraband to inmate	M-1	3	m
5123(c.1)	Contraband-provide telecom. device to inmate	M-1	5	m
5123(c.2)	Contraband-possession of telecom. device by inmate	M-1	3	m
5124(a)	Default in required appearance (felony)	F-3	4	1
5124(a)	Default in required appearance (non-felony)	M-2	2	m
5125	Absconding witness	M-3	1	m
5126(a)	Flight to avoid apprehension (felony)	F-3	5	1
5126(a)	Flight to avoid apprehension (misd.)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs)	F-2	7	2
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	2	m
5301(2)	Official oppression-denies another enjoyment of rights	M-2	2	m
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	2	m
5302(2)	Speculating/wagering on official action-speculates on information	M-2	2	m
5302(3)	Speculating/wagering on official action-aids another	M-2	2	m
5501(1)	Riot-intent to commit felony/misd.	F-3	4	1
5501(2)	Riot-intent to prevent/coerce official action	F-3	4	1
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	4	1
5502	Failure to disperse upon official order	M-2	2	m
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	m
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	m
5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	m
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	m

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5506	Loitering and prowling at night time	M-3	1	m
5507(a)	Obstructing highway, etc.-after warning	M-3	1	m
5508	Disrupting meetings and processions	M-3	1	m
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	m
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	m
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	m
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	3	m
5510	Abuse of corpse	M-2	3	m
5511(a)(1)	Cruelty to animals-own dog that injures service dog	M-3	1	m
5511(a)(1)(i)	Cruelty to animals-kill/maim domestic animal	M-2	3	m
5511(a)(1)(ii)	Cruelty to animals-poisons domestic animal	M-2	3	m
5511(a)(1)(iii)	Cruelty to animals-harasses/injure etc. service/guide dog	M-2	3	m
5511(a)(2)(i)	Cruelty to animals-kill/maim zoo animal	F-3	5	1
5511(a)(2)(ii)	Cruelty to animals-poison zoo animal	F-3	5	1
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (1st off)	M-1	3	m
5511(a)(2.1)(i)(a)	Cruelty to animals-kill/maim dog/cat/service dog (2nd/subsq off)	F-3	5	1
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (1st off)	M-1	3	m
5511(a)(2.1)(i)(b)	Cruelty to animals-poison dog/cat (2nd/subsq off)	F-3	5	1
5511(c)(1)	Cruelty to animals-neglect/mistreat animal in care (2nd/subsq off)	M-3	1	m
5511(e.1)	Cruelty to animals-transport equines in cruel manner (2nd/subsq off)	M-3	1	m
5511(h.1)(1)	Cruelty to animals-animal fighting (for amusement/gain)	F-3	5	1
5511(h.1)(2)	Cruelty to animals-animal fighting (receives compensation)	F-3	5	1
5511(h.1)(3)	Cruelty to animals-animal fighting (owns fighting animal)	F-3	5	1
5511(h.1)(4)	Cruelty to animals-animal fighting (encourage/aid/assist)	F-3	5	1
5511(h.1)(5)	Cruelty to animals-animal fighting (wagers on fight outcome)	F-3	5	1
5511(h.1)(6)	Cruelty to animals-animal fighting (pays admission)	F-3	5	1
5511(h.1)(7)	Cruelty to animals-animal fighting (permits use of animal for fight)	F-3	5	1
5511.2(a)	Police animals-illegal to taunt	F-3	5	1
5511.2(b)	Police animals-illegal to torture	F-3	7	1
5511.3	Assault w/ biological agent on animal/fowl/honey bee	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m

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5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
5514(1)	Pool selling and bookmaking-engage in	M-1	3	m
5514(2)	Pool selling and bookmaking-occupy place	M-1	3	m
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	m
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	m
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	m
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	m
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	m
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	1
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	5	1
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	1
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	1
5517(a)	Unauthorized school bus entry	M-3	1	m
5703	Interception of wire/oral communication	F-3	5	1
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	1
5703(2)	Interception of wire/oral communication-discloses contents	F-3	5	1
5703(3)	Interception of wire/oral communication-use contents	F-3	5	1
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	1
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	1
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	1
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	1
5719	Unlawful use of order concerning intercepted communications	M-2	2	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	m
5771(a)	Prohibit pen register & trap/trace device	M-3	1	m

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5901	Open lewdness	M-3	1	m
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	1	m
5902(a)(1)	Prostitution-business (3rd off)	M-2	3	m
5902(a)(1)	Prostitution-business (4th/subsq off)	M-1	4	m
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	1
5902(a)(2)	Prostitution (1st/2nd off)	M-3	1	m
5902(a)(2)	Prostitution (3rd off)	M-2	3	m
5902(a)(2)	Prostitution (4th/subsq off)	M-1	4	m
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	1
5902(b)(1)	Promoting prostitution-own house/business	F-3	5	1
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	1
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron	M-2	3	m
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	3	m
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	3	m
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	m
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit	M-2	3	m
5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	5	1
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs)	F-3	6	1
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs)	F-3	8	1

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5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs)	F-3	6	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs)	F-3	8	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs)	F-3	6	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs)	F-3	8	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs)	F-3	6	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs)	F-3	8	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs)	F-3	6	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs)	F-3	8	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs)	F-3	6	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs)	F-3	8	1
5902(d)	Living off prostitutes	M-2	3	m
5902(d)	Living off prostitutes (compel)	F-3	5	1
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	5	1
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	5	1
5902(e)	Patronizing prostitutes (1st/2nd off)	M-3	1	m
5902(e)	Patronizing prostitutes (3rd off)	M-2	3	m
5902(e)	Patronizing prostitutes (4th/subsq off)	M-1	4	m
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	7	1
5903(a)(1)	Obscene materials-display (1st off & not for resale)	M-1	3	m
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	5	1
5903(a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (1st) (additional penalty)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	3	m
5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	m
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	m
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	1

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5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	m
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	1
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	m
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	1
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	m
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	m
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	1
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	m
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	m
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	1
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	m
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	1
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	m
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	1
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	m
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	2
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	1
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	2
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	5	1
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	2
5903(f)	Obscene materials-require sale	M-1	3	m
5904	Public exhibition of insane/deformed person	M-2	2	m
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (loaded/ammo available) [(a.1)(1)]	F-2	10	2

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6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony (unloaded/no ammo available) [(a.1)(1)]	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) [(a.1)(1)]	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) [(a.1)(1)]	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) [(a.1)(2)(i)]	M-3	2	m
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) [(a.1)(2)(i)]	M-3	1	m
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (loaded/ammo available) [(a.1)(2)]	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fail to relinquish w/PFA (unloaded/no ammo available) [(a.1)(2)]	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) [(a.1)(5)]	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) (a.1)(5)	M-1	5	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	2
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/ no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
6108	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
6108	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	1
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	m
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	2
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
6112	Firearms-dealer to be licensed	M-1	3	1
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	1
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	3	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6113(a)(3)	Firearms-dealer license: violation of act	M-1	3	1
6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	1
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	3	1
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	1
6115(a)	Firearms-lending prohibited	M-1	3	1
6116	Firearms-give false info/identity for purchase	M-1	3	1
6117(a)	Firearms-alter mfr. number/ID	F-2	7	2
6121(a)	Firearms-certain bullets prohibited	F-3	5	1
6122	Firearms-proof of license	M-1	3	1
6161(a)	Carrying explosives on conveyances	M-2	3	m
6162(a)	Shipping explosives	M-3	3	m
6301(a)(1)(i)	Corruption of minors	M-1	4	m
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	1
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	m
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	4	m
6303(a)	Sale of starter pistols-to minors	M-1	4	m
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	1
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(c)*	Sexual abuse of children-dissemination (<13 yrs) (1st off)	F-3	7	1
6312(c)*	Sexual abuse of children-dissemination (<13 yrs) (2nd/subsq off)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	1
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs) (1st off)	F-3	7	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs) (2nd/subsq off)	F-2	9	2
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses [underlying offense <F-3]	F-3	6	1
6318(a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(2)	Unlaw. contact w/ minor-open lewdness [underlying offense <F-3]	F-3	6	1
6318(a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(3)	Unlaw. contact w/ minor-prostitution [underlying offense <F-3]	F-3	6	1
6318(a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(4)	Unlaw. contact w/ minor-sexual materials [underlying offense <F-3]	F-3	6	1
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse [underlying offense <F-3]	F-3	6	1
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense=F-3 or greater]	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation [underlying offense <F-3]	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3
6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >-12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6703	Dealing in military decorations	M-3	1	m
6707	False registration of domestic animals	M-3	1	m
6709(1)	Use of union labels-insignia	M-3	1	m
6709(2)	Use of union labels-nonunion product	M-3	1	m
6709(3)	Use of union labels-not authorized by union	M-3	1	m
6901	Extension of water line-w/o permit	M-3	1	m
6910(a)	Unauthorized sale of tickets	M-3	1	m
7102	Administer drugs to race horses	M-1	3	m
7103(a)	Horse racing	M-3	1	m
7104(a)	Fortune telling-for gain or lucre	M-3	1	m
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	m
7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	m
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	m
7302(a)	Sale of solidified alcohol	M-2	2	m
7302(b)	Labeling of solidified alcohol	M-1	3	m
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	m
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	m
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	m
7306(a)	Incendiary devices	M-1	3	m
7307	Out-of-state convict made goods-sell/exchange	M-2	2	m
7308(a)	Unlawful advertising of insurance business	M-2	2	m
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m
7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging food stamps (>=\$1,000)	F-3	5	1
7313(a)	Buying/exchanging food stamps (<\$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in food orders (>=\$1,000)	F-3	5	1
7314(a)	Fraudulent traffic in food orders (<\$1,000)	M-1	3	m
7316(a)	Keeping bucket-shop	M-3	1	m
7317(a)	Accessories in conduct of bucket-shop	M-3	1	m
7318(a)	Maintaining premises of bucket-shop	M-3	1	m
7319(b)	Bucket-shop contracts	M-3	1	m
7321(a)	Lie detector tests-require for employment	M-2	2	m
7322	Demanding property/money to secure employment	M-3	1	m
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	m
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	m
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	m
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	m
7326(a)	Disclosure of confidential tax information	M-3	1	m
7328(a)	Operation of unauthorized bottle club	M-3	1	m
7503(a)	Architects/engineers-interest in public works contracts	M-3	1	m
7504(a)	Appointment of special police	M-3	1	m
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	3	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	3	m
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	m
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m
7512(a)	Criminal use of communication facility	F-3	5	1
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1
7641(a)	Computer-assisted remote harvesting of animals	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

**MISCELLANEOUS OFFENSES
(Child Abuse Reporting)**

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	m
6319	Penalties for failure to report or to refer-suspected child abuse (1st violation)	M-3	2	m
6319	Penalties for failure to report or to refer-suspected child abuse (2nd/subsq violation)	M-2	3	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

OPERATION OF BOATS

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	3	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	5	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	1	m
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	1	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	m
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	m
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	m
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	m
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	m
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	1	m
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	1	1
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	1
5502.1(a)	Homicide by watercraft while operating under influence	F-2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	1
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	7	2
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	m
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	1
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	m
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	1
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	m
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	1
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	m
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

DRUG ACT OFFENSES

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	m
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	m
(a)(3)	False/misleading advertisement (1st off)	M	4	m
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	m
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	m
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	m
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	m
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	m
(a)(11)	Illegal pharmacy operations (1st off)	M	5	m
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	m
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	3

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	8	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	7	2

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	m
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	m
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	m
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	2

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	3

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	2
(a)(14)*	Delivery by practitioner-Sched I	F	5	2
(a)(14)*	Delivery by practitioner-Sched II	F	5	2
(a)(14)*	Delivery by practitioner-Sched III	F	5	2
(a)(14)*	Delivery by practitioner-Sched IV	F	5	2
(a)(14)*	Delivery by practitioner-Sched V	M	3	m
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	m
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	m
(a)(16)	Simple possession (1st off)	M	3	m
(a)(16)	Simple possession (2nd/subsq off)	M	3	m
(a)(16)	Simple possession-GHB (1st off)	F	5	2
(a)(16)	Simple possession-GHB (2nd/sub off)	F	5	2
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	m
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	m
(a)(18)	Illegal sale container (1st off)	M	4	m
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	m
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	m
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	m
(a)(20)	Divulging trade secret (1st off)	M	4	m
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	m
(a)(21)	Failure to keep records (1st off)	M	2	m
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	m
(a)(22)	Refusal of inspection (1st off)	M	2	m
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	m
(a)(23)	Unauthorized removal of seals	M	5	m
(a)(24)	Failure to obtain license (1st off)	M	2	m
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	m
(a)(25)	Manufacture by unauthorized party	M	5	m
(a)(26)	Distribution by registrant of Schedule I or II	M	5	m

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(27)	Use of fictitious registration number	M	5	m
(a)(28)	Furnish false application material	M	5	m
(a)(29)	Production of counterfeit trademarks equipment	M	5	m
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	3

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-PCP (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-MDMA (100-<1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	2
(a)(30)*	Possession with intent to deliver-Sched I	F	5	2
(a)(30)*	Possession with intent to deliver-Sched II	F	5	2
(a)(30)*	Possession with intent to deliver-Sched III	F	5	2
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	2
(a)(30)*	Possession with intent to deliver-Sched V	M	3	m

<i>35 P. S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(31)	Possession-small amt. of marijuana (<=30 g/ <=8 g hashish)	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/ <=8 g hashish): personal use	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/ <=8 g hashish): intent to distribute, not sell	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/ <=8 g hashish): distribution, not sale	M	1	m
(a)(32)	Possession-drug paraphernalia	M	1	m
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	m
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	m
(a)(34)	Place ad for sale of drug paraphernalia	M	1	m
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	5	2
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	m
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	m
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	2
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	1
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	m
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	m

<i>35 P. S. § 780-113.1</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	3	m
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	3	m
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	5	2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	5	2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	5	2

<i>35 P. S. § 780-113.4</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	7	2
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	8	3
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	5	1

<i>35 P. S.</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6018.101— 6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	1
	Transports, etc. hazardous waste without permit	F-2	7	2
	Violation of Act, DER Order, etc.	M-3	1	m
691.1—691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	m
4001—4015	Air Pollution Control Act			
	Knowingly releases hazardous air pollutant	F-1	9	1
	Violation of Act, DER Order, etc.	M-2	2	m
	Negligently releases hazardous air pollution	M-3	1	m

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

JUDICIAL CODE

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

* = Subcategorized Offenses. See 303.3(b).

m = Other Misdemeanor Offenses. See 303.7(a)(5).

VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
1543(a)	Drive w/ susp. lic. (2nd/subsq off)	M	1	m
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC \geq 0.02% /or under influence of controlled subst. (2nd off)	M-3	1	m
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC \geq 0.02% /or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/DUI conviction & active work zone	F-3 ¹	10	1
3732(a)*	Homicide by vehicle-w/DUI conviction & conviction for 75-3325/75-3327	F-3 ¹	10	1
3732(a)*	Homicide by vehicle-w/ DUI conviction	F-3	8	1
3732(a)*	Homicide by vehicle-active work zone	F-3 ¹	8	1
3732(a)*	Homicide by vehicle-w/ conviction for 75-3325/75-3327	F-3 ¹	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & active work zone	F-3 ²	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction & conviction for 75-3325/75-3327	F-3 ²	9	1
3732.1(a)*	Aggravated assault by vehicle-w/ DUI conviction	F-3	7	1
3732.1(a)*	Aggravated assault by vehicle-active work zone	F-3 ²	7	1
3732.1(a)*	Aggravated assault by vehicle-w/ conviction for 75-3325/75-3327	F-3 ²	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)	Homicide by vehicle while DUI	F-2	10	2

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	9	1
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	1
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	m
3742.1(a)	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
3742.1(a)	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)	Accident involving death/personal injury-not properly licensed	M-2	2	m
3743(a)	Accident involving damage to attended vehicle or property	M-3	1	m
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))			§ 303.7(a)
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	m
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd/subsq off)	M-2	3	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant)	M-1	5	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	m
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	1	m
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	m
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	1	m
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd/subsq off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	1	m
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant)	M-1	5	1
3802(e)	DUI-minor driver (1st off)	M	1	m
3802(e)	DUI-minor driver (2nd off)	M	1	1
3802(e)	DUI-minor driver (3rd off)	M-1	5	1
3802(e)	DUI-minor driver (4th/subsq off)	M-1	5	1
3802(e)	DUI-minor driver (minor occupant)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	m
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	1
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	6	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	1	m
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	1
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	6	1
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	M-1	7	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	M-1	7	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	m
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	M-1	7	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant)	M-1	5	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	m

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	M-1	7	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant)	M-1	5	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

¹ statutory maximum increased by 5 years if offense occurred in active work zone (maximum=12 years)
 statutory maximum increased by 5 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=12 years)

² statutory maximum increased by 2 years if offense occurred in active work zone (maximum=9 years)
 statutory maximum increased by 2 years if also convicted of 75 § 3325 or 75 § 3327 (maximum=9 years)

* = Subcategorized Offenses. See 303.3(b).
 m = Other Misdemeanor Offenses. See 303.7(a)(5).

OMNIBUS ASSIGNMENTS

<i>OMNIBUS ASSIGNMENTS</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD POINTS</i>
Offenses not otherwise listed and new offenses:	F-1	8	3
	F-2	7	2
	F-3	5	1
	Felony Not Classified	5	1
	M-1	3	m
	M-2	2	m
	M-3	1	m
	Misdemeanor Not Classified	1	m

§ [303.16] 303.16(a). Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder/SBI Rape (child <13 years)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL	-/-12
	13	Inchoate Murder/no SBI Weapons (mass destr./injury) PWID Cocaine, etc. (>1,000 gms)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240	+/- 12
	12	Rape IDSI Robbery (SBI)	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120	+/- 12
	11	Agg Asslt (SBI) Voluntary Manslaughter Sexual Assault PWID Cocaine, etc. (100-1,000 gms)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120	+/- 12
	10	Kidnapping Agg. Indecent. Asslt Agg Asslt (att. SBI) Arson (person inside) Hom. by veh. (DUI & work zone) PWID Cocaine, etc. (50-<100 gms)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120	+/- 12
	9	Sexual exploitation of children Robbery (F1/F2) Burglary (home/person) Arson (no person inside)	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120	+/- 12
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Asslt (BI w/DW) Theft (firearm) Identity theft (60 yrs., 3rd off.) Hom. by veh. (DUI or work zone) Theft (>\$100,000) PWID Cocaine, etc. (10-<50 gms)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA	+/- 9
LEVEL 3 State/ Cnty Incar RIP trade	7 (F2)	Robbery (inflicts/threatens BI) Burglary (home/no person) Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity theft (3rd off.) PWID Cocaine, etc. (5-<10 gms)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA	+/- 6
	6	Agg Asslt (physical menace) Hom. by vehicle Burglary (not home/person) Theft (>\$25,000-\$50,000) Arson (property) PWID Cocaine, etc. (2<5 gms)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA	+/- 6

Level	OGS	Example Offenses	Prior Record Score								AGG/ MIT
			0	1	2	3	4	5	RFEL	REVOC	
LEVEL 2 Cnty Incar RIP RS	5 (F3)	Burglary (not home/no person) Theft (>\$2000-\$25,000) Bribery PWID (1-<10 lb of marij)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA	+/- 3
	4	Indecent assault M2 Forgery (money, stocks) Weapon on school property Crim Trespass (breaks in)	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA	+/- 3
	3 (M1)	Simple Assault Theft (\$200-\$2000) Carrying explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA	+/- 3
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st, 2nd) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA	+/- 3
	1 (M3)	Most Misd. 3's; Theft (<\$50) DUI (M) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA	+/- 3

1. Designated areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment programs are recommended not to exceed the guideline ranges.
3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification (e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

BC	=	boot camp	RIP	=	restrictive intermediate punishments
CNTY	=	county	RS	=	restorative sanctions
INCAR	=	incarceration	SBI	=	serious bodily injury
PWID	=	possession with intent to deliver	SL	=	statutory limit (longest minimum sentence)
REVOC	=	repeat violent offender category	~	=	no recommendation (aggravated sentence would exceed statutory limit)
RFEL	=	repeat felony 1 and felony 2 offender category	< ; >	=	less than; greater than

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 303.16(b). Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder.

<i>Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree If Defendant is Under Age 18 at the Time of the Offense and the Conviction Occurred After June 24, 2012</i>										
	OG S	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
<i>Murder of 1st Degree*</i>										
Offender Age 15 to < 18	15	420-Life	456-Life	492-Life	552-Life	612-Life	672-Life	732-Life	LWOP	+/-60**
Offender Age <15	15	300-Life	324-Life	348-Life	396-Life	444-Life	492-Life	540-Life	LWOP	+/-48**
<i>Murder of 2nd Degree</i>										
Offender Age 15 to < 18	15	360-624	384-624	408-624	444-624	480-624	516-624	552-624	588-624	+/-36**
Offender Age <15	15	240-588	252-588	264-588	288-588	312-588	336-588	360-588	384-588	+/-24**

1. Murder of the 1st Degree also includes 1st Degree Murder of Unborn Child and 1st Degree Murder of Law Enforcement Officer

2. Murder of the 2nd Degree also includes 2nd Degree Murder of Unborn Child and 2nd Degree Murder of Law Enforcement Officer

3. LWOP = Life without Parole

4. The Offense Gravity Score (OGS) of 15 is assigned only for Muder 1 and Murder 2 when committed by offenders under age 18.

5. Commonwealth must provide reasonable notice to offender of its intention to seek a sentence of life imprisonment without parole for Murder of 1st Degree (18 Pa.C.S. § 1102.1(b)).

6. A mitigated sentence cannot be less than the mandatory minimum sentence established in statute (18 Pa.C.S. § 1102.1)

§ [303.17. DWE] 303.17(a). **Deadly Weapon Enhancement/Possessed Matrix.**

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	~- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	15-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

1. Level 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.

2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline range.

3. The mitigated recommendation is never less than three months (§ 303.10(a)).

4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).

5. If the standard range includes the statutory limit, there is no aggravated recommendation.

6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ [303.18. DWE] 303.17(b). Deadly Weapon Enhancement/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~/- 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 3	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

1. Level 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline range.
3. The mitigated recommendation is never less than three months (§ 303.10(a)).
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ [303.19. Youth/School Enhancement Matrices] 303.18a. Youth Enhancement Matrix.

[Basic Sentencing Matrix with Youth/School Enhancement: Youth Enhancement.]

Level	OGS	Prior Record Score								Agg/Mit	
		0	1	2	3	4	5	RFEL	REVOC		
5	14	NA	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	66-90	72-96	78-102	84-108	90-114	102-126	114-138	240	NA	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	42-66	48-72	54-78	60-84	66-90	78-102	90-114	120	NA	+/-12
	10	28-48	36-54	42-60	48-66	54-72	66-84	78-96	120	NA	+/-12
	9	18-36	24-42	30-48	36-54	42-60	54-72	66-84	120	NA	+/-12
4	8	15-28	18-30	21-33	24-36	27-39	33-45	46-64	NA	NA	+/-9
	7	12-26	15-28	18-30	21-33	24-36	30-42	41-57	NA	NA	+/-6

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
3	6	9-24	12 -26	15-28	18-30	21-33	27-39	33-52	NA	+/-6
	5	6-21	7-24	9-26	12-28	15-28	18-30	30-48	NA	+/-3
	4	6-15	6-21	6-<24	9-26	12-28	15-28	27-42	NA	+/-3
	3	6-13	6-18	6-21	6-<24	9-26	12-28	18-30	NA	+/-3

1. This enhancement may only be applied to violations of 35 P. S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than 6 months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

[Basic Sentencing Matrix with Youth/School Enhancement: School Enhancement.]

§ 303.18(b). School Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	72-102	78-108	84-114	90-120	96-126	108-138	120-150	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	48-78	54-84	60-90	66-96	72-102	84-114	96-120	120	+/-12
	10	34-60	42-66	48-72	54-78	60-84	72-96	84-108	120	+/-12
	9	24-48	30-54	36-60	42-66	48-72	60-84	72-96	120	+/-12
4	8	21-40	24-42	27-45	30-48	33-51	39-57	52-76	NA	+/-9
	7	18-38	21-40	24-42	27-45	30-48	36-54	47-69	NA	+/-6
	6	15-36	18-38	21-40	24-42	27-45	33-51	39-64	NA	+/-6
	5	12-33	13-36	15-38	18-40	21-40	24-42	36-60	NA	+/-3
	4	12-27	12-33	12-<36	15-38	18-40	21-40	33-54	NA	+/-3
	3	12-25	12-30	12-33	12-<36	15-38	18-40	24-42	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than 12 months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

[Basic Sentencing Matrix with Youth/School Enhancement: Youth and School Enhancement.]

§ 303.18(c). Youth and School Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	NA	NA	NA	NA	NA	NA	NA	NA	~/-12
	13	78-114	84-120	90-126	96-132	102-138	114-150	126-162	240	+/-12
	12	NA	NA	NA	NA	NA	NA	NA	NA	+/-12
	11	54-90	60-96	66-102	72-108	78-114	90-120	102-120	120	+/-12
	10	40-72	48-78	54-84	60-90	66-96	78-108	90-120	120	+/-12
	9	30-60	36-66	42-72	48-78	54-84	66-96	78-108	120	+/-12
4	8	27-52	30-54	33-57	36-60	39-63	45-69	58-88	NA	+/-9
	7	24-50	27-52	30-54	33-57	36-60	42-66	53-81	NA	+/-6
	6	21-48	24-50	27-52	30-54	33-57	39-63	45-76	NA	+/-6
	5	18-45	19-48	21-50	24-52	27-52	30-54	42-72	NA	+/-3
	4	18-39	18-45	18-<48	21-50	24-52	27-52	39-66	NA	+/-3
	3	18-37	18-42	18-45	18-<48	21-50	24-52	30-54	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than 18 months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

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