

PENNSYLVANIA BULLETIN

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for the Pennsylvania Public Utility
Commission's Service of Notice
of Motor Carrier Formal
Complaints Notice

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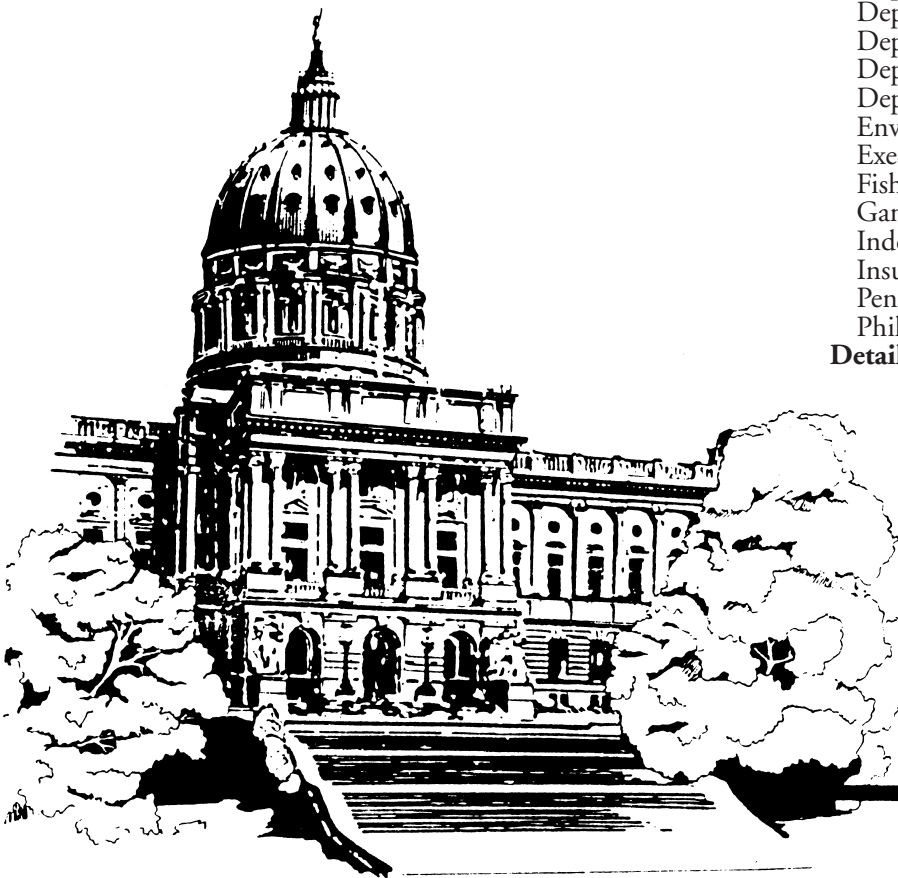
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Philadelphia Regional Port Authority

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

No. 475, June 2014

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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 the history of regulations. 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/cfdocs/legis/CH/Public/pcde_index.cfm.

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 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. A fiscal note provides 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 5 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 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2014.

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THE GENERAL ASSEMBLY

Recent Actions During the 2014 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during 2014 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2014 General Acts of Regular Session Enacted—Act 041 through 050					
041	May 6	HB1259	PN3199	60 days*	Indoor Tanning Regulation Act—enactment
042	May 6	HB1513	PN2492	Immediately	Local Tax Enabling Act—delegation of taxing powers and restrictions thereon
043	May 6	SB0894	PN1504	60 days	Judicial Code (42 Pa.C.S.)—authorizing the Pennsylvania Board of Law Examiners to obtain criminal history record checks
044	May 14	SB0031	PN1849	Dec 31, 2014	Domestic Relations Code (23 Pa.C.S.)—omnibus amendments
045	May 14	HB0434	PN3438	Immediately*	Domestic Relations Code (23 Pa.C.S.)—omnibus amendments
046	May 14	HB1164	PN1605	Immediately	Higher Education Course Scheduling Preference for Veteran Students Act—enactment
047	May 14	HB1214	PN1528	60 days	SFC William Boyle Memorial Bridge—designation
048	May 14	HB1431	PN2648	60 days	Corporal Luke S. Runyan Memorial Bridge, Officer David D. Tome Memorial Circle, Specialist Cameron J. Stambaugh Memorial Bridge, Specialist Zachary R. Clouser Memorial Bridge and Sergeant Brett E. Walden Memorial Bridge—designations
049	May 14	HB2019	PN3004	60 days	Freeport Veterans Bridge—designation
050	May 14	SB1037	PN1945	Immediately	Air Pollution Control Act—powers and duties of Department of Environmental Protection

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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

VINCENT C. DeLIBERATO, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 14-1239. Filed for public inspection June 13, 2014, 9:00 a.m.]

THE COURTS

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CHS. 1, 3, 9, 11 AND 21]

Order Amending Rules 102, 2116 and 2119 and Approving the Revision of Official Notes to Rules 341, 902, 1112 and 1115 of the Rules of Appellate Procedure; No. 243 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 28th day of May, 2014, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published before adoption at 43 Pa.B. 3082 (June 8, 2013):

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

(1) Pennsylvania Rules of Appellate Procedure 102, 2116, and 2119 are amended; and

(2) the Official Notes to Pennsylvania Rules of Appellate Procedure 341, 902, 1112, and 1115 are revised,

in the following form. This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective July 1, 2014.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 1. GENERAL PROVISIONS

IN GENERAL

Rule 102. Definitions.

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

* * * * *

Petition for allowance of appeal—

(a) A petition under Rule 1112 (appeals to the Supreme Court by allowance)[.]; or

(b) a statement pursuant to Rule 2119(f) (discretionary aspects of sentence). See 42 Pa.C.S. § 9781.

* * * * *

CHAPTER 3. ORDERS FROM WHICH APPEALS MAY BE TAKEN

FINAL ORDERS

Rule 341. Final Orders; Generally.

* * * * *

Official Note: *Related Constitutional and Statutory Provisions—*Section 9 of Article V of the Constitution of Pennsylvania provides that “there shall be a right of

appeal from a court of record or from an administrative agency to a court of record or to an appellate court.” The term “administrative agency” is not defined in Rule 102 of these rules and as used in this rule is intended to have the same meaning as the term “administrative agency” in Section 9 of Article V of the Constitution of Pennsylvania. The constitutional provision is implemented by 2 Pa.C.S. § 702 (appeals), 2 Pa.C.S. § 752 (appeals), and 42 Pa.C.S. § 5105 (right to appellate review).

[**Criminal Law Proceedings—Discretionary Aspects of Sentencing—**Section 9781 of the Sentencing Code (42 Pa.C.S. § 9781) states that the defendant or the Commonwealth may “petition for allowance of appeal” of the discretionary aspects of a sentence for a felony or a misdemeanor. The practice under these rules is to file a notice of appeal. See note to Rule 902 (manner of taking appeal). If the defendant has a right to an appeal with respect to the discretionary aspects of a sentence, the appellate court must, of course, entertain the appeal. Otherwise, such an appeal may be entertained by an appellate court if, but only if, it appears to the court that there is a substantial question that the sentence imposed is not appropriate under the applicable guidelines.]

*Criminal Law Proceedings—Commonwealth Appeals—*Orders formerly appealable under Rule 341 by the Commonwealth in criminal cases as heretofore provided by law, but which do not dispose of the entire case, are now appealable as interlocutory appeals as of right under Subdivision (d) of Rule 311.

* * * * *

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 902. Manner of Taking Appeal.

* * * * *

Official Note: 42 Pa.C.S. § 703 (place and form of filing appeals) provides that appeals, petitions for review, petitions for permission to appeal and petitions for allowance of appeal shall be filed in such office and in such form as may be prescribed by general rule.

* * * * *

Section 9781 of the Sentencing Code (42 Pa.C.S. § 9781) provides that the defendant or the Commonwealth may file a “petition for allowance of appeal” of the discretionary aspects of a sentence for a felony or a misdemeanor. The notice of appeal under this chapter (see Rule 904 (content of the notice of appeal)), in conjunction with the requirements set forth in Pa.R.A.P. 2116(b) and 2119(f), operates as the “petition for allowance of appeal” under the Sentencing Code. [It automatically raises all possible questions under 42 Pa.C.S. § 9781 and is available and appropriate even where no issue relating to guilt or the legality of the sentence (in the sense that the sentence falls outside of the range of discretion vested by law in the sentencing court) is presented.] No additional wording is required or appropriate in the notice of appeal.

In effect, the filing of the “petition for allowance of appeal” contemplated by the statute is deferred by these rules until the briefing stage, where the question of the appropriateness of the discretionary aspects of the sen-

tence may be briefed and argued in the usual manner. See [Rule 2116 (statement of questions involved) and Rule 2119 (argument)] Pa.R.A.P. 2116(b) and the note thereto; Pa.R.A.P. 2119(f) and the note thereto.

[42 Pa.C.S. § 9781(f) provides that: “No appeal of the discretionary aspects of the sentence shall be permitted beyond the appellate court that has initial jurisdiction of such appeals.”]

CHAPTER 11. APPEALS FROM COMMONWEALTH COURT AND SUPERIOR COURT

PETITION FOR ALLOWANCE OF APPEAL

Rule 1112. Appeals by Allowance.

* * * * *

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

* * * * *

With respect to appearances by new counsel following the initial docketing of appearances pursuant to Subdivision (f) of this rule, please note the requirements of Rule [1200] 120.

Where an appellant desires to challenge the discretionary aspects of a sentence of a trial court, the “petition for allowance of appeal” referred to in 42 Pa.C.S. § 9781(b) is deferred until the briefing stage, and the appeal is commenced by filing a notice of appeal pursuant to Chapter 9 rather than a petition for allowance of appeal pursuant to Chapter 11. See note to Pa.R.A.P. 902; note to Pa.R.A.P. 1115; Pa.R.A.P. 2116(b) and the note thereto; Pa.R.A.P. 2119(f) and the note thereto.

Rule 1115. Content of the Petition for Allowance of Appeal.

* * * * *

Official Note: Former Supreme Court Rule 62 permitted the petitioner in effect to dump an undigested mass of material (i.e., briefs in and opinions of the court below) in the lap of the Supreme Court, with the burden on the individual justices and their law clerks to winnow the wheat from the chaff. This rule, which is patterned after U.S. Supreme Court Rule 23, places the burden on the petitioner to prepare a succinct and coherent presentation of the case and the reasons in support of allowance of appeal.

Where an appellant desires to challenge the discretionary aspects of a sentence of a trial court [no “petition for allowance of appeal,” as that term is used in these rules, may be filed and the practice is governed by Chapter 9 (appeals from lower courts)] the “petition for allowance of appeal” referred to in 42 Pa.C.S. § 9781(b) is deferred until the briefing stage, and the appeal is commenced by filing a notice of appeal pursuant to Chapter 9 rather than a petition for allowance of appeal pursuant to Chapter 11. *Commonwealth v. Tuladziecki*, 522 A.2d 17, 18 (Pa. 1987). See note to [Rule 902 (manner of

taking appeal)] Pa.R.A.P. 902; Pa.R.A.P. 2116(b) and the note thereto; Pa.R.A.P. 2119(f) and the note thereto.

CHAPTER 21. BRIEFS AND REPRODUCED RECORD

CONTENT OF BRIEFS

Rule 2116. Statement of Questions Involved.

(a) *General rule.*—The statement of the questions involved must state concisely the issues to be resolved, expressed in the terms and circumstances of the case but without unnecessary detail. The statement will be deemed to include every subsidiary question fairly comprised therein. No question will be considered unless it is stated in the statement of questions involved or is fairly suggested thereby. Each question shall be followed by an answer stating simply whether the court or government unit agreed, disagreed, did not answer, or did not address the question. If a qualified answer was given to the question, appellant shall indicate the nature of the qualification, or if the question was not answered or addressed and the record shows the reason for such failure, the reason shall be stated briefly in each instance without quoting the court or government unit below.

(b) *Discretionary aspects of sentence.* An appellant who challenges the discretionary aspects of a sentence in a criminal matter shall include any questions relating to the discretionary aspects of the sentence imposed (but not the issue whether the appellate court should exercise its discretion to reach such question) in the statement required by [Subdivision] paragraph (a). Failure to comply with this [subdivision] paragraph shall constitute a waiver of all issues relating to the discretionary aspects of sentence.

Official Note: Paragraph (a)—In conjunction with the 2013 amendments to [Rules] Pa.R.A.P. 2135 (length of briefs) and 2140 (brief on remand or following grant of reargument or reconsideration) adopting an optional word limit in lieu of page limits, the 2013 amendment eliminated the page limit for the statement of questions involved. The word count does, however, include the statement of questions, and a party should draft the statement of questions involved accordingly, with sufficient specificity to enable the reviewing court to readily identify the issues to be resolved while incorporating only those details that are relevant to disposition of the issues. Although the page limit on the statement of questions involved was eliminated in 2013, verbosity continues to be discouraged. The appellate courts strongly disfavor a statement that is not concise.

Paragraph (b)—The requirement set forth in Pa.R.A.P. 2116(b) is part of the procedure set forth by the Supreme Court to implement the standard set forth in 42 Pa.C.S. § 9781(b). *Commonwealth v. Tuladziecki*, 522 A.2d 17, 18 (Pa. 1987). See note to Pa.R.A.P. 902; note to Pa.R.A.P. 1115; and Pa.R.A.P. 2119(f) and the note thereto.

Rule 2119. Argument.

* * * * *

(f) *Discretionary aspects of sentence.*—An appellant who challenges the discretionary aspects of a sentence in a criminal matter shall set forth in [his] a separate section of the brief a concise statement of the reasons relied upon for allowance of appeal with respect to the discretionary aspects of a sentence. The statement shall

immediately precede the argument on the merits with respect to the discretionary aspects of the sentence.

Official Note: Based on former Supreme Court Rule 55, former Superior Court Rule 45 and former Commonwealth Court Rule 95. The requirement for parallel citation to the Atlantic Reporter is extended to the Supreme Court and the Commonwealth Court and the related certificate of nonpublication in the official reports has been omitted. The requirement of former Superior Court Rule 45 that a party print in bold face up to three citations under each head chiefly relied upon, has been omitted. Counsel having available the Atlantic Reporter can readily obtain the official citation from cross-reference sheets ordinarily pasted on the flyleaf of each Atlantic Reporter volume; counsel having the official reports available can obtain the Atlantic Reporter citation from cross-references available in *Shepard's Pennsylvania Citations—Case Edition* or the *National Reporter Blue Book*.

[In some circumstances an appellant may have a right to appellate review of the discretionary aspects of a sentence. See note to Rule 341 (final orders generally). In such cases a citation to the controlling authority will suffice for purposes of Subdivision (f).] Where a challenge is raised to the appropriateness of the discretionary aspects of a sentence, the “petition for allowance of appeal” specified in 42 Pa.C.S. § 9781(b) is deferred until the briefing stage, and the appeal is commenced by filing a notice of appeal pursuant to Chapter 9 rather than a petition for allowance of appeal pursuant to Chapter 11.

[Pa.B. Doc. No. 14-1240. Filed for public inspection June 13, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

WESTMORELAND COUNTY

Promulgation of Rule of Judicial Administration WJ6000.1; No. 3 of 2014

Administrative Order

And Now this 22nd day of May, 2014, *It Is Hereby Ordered* that Westmoreland Rule of Judicial Administration WJ6000.1, Court Appointed Counsel, is adopted.

By the Court

RICHARD E. McCORMICK, Jr.,
President Judge

Rule WJ6000.1. Court Appointed Counsel.

(a) All attorneys wishing to be appointed by the Court must annually certify to the Court Administrator that the attorney has adequate liability insurance coverage.

(b) Attorneys representing parents or serving as guardian ad litem (GAL) in juvenile and orphans' court for dependency/termination proceedings must, annually receive three (3) hours of CLE credits devoted to dependency/termination proceedings. All attorneys wishing to be added to the court-appointed list to represent parents or to serve as a GAL in juvenile and orphans' court for dependency/termination proceedings must first attend a 6 hour training program presented by the Court

and County Solicitors Office. Proof of these CLE credits must be submitted to the Court Administrator.

(c) *Payment of Fees*

(1) *Criminal Appointments*

a. *Pre-Adjudication and Adjudication*—Counsel must present the Petition for Attorney's Fees for pre-adjudication and adjudication after completion of the preliminary hearing and, unless otherwise ordered, monthly thereafter for all capital cases and quarterly thereafter for all other cases until representation is concluded. The attorney will indicate the case number, criminal charges and charge disposition on the petition. Invoices submitted more than 120 days after the work is completed will not be paid.

b. *Direct Appeal and PCRA*—Invoices for work done in furtherance of direct appeal or for post-conviction review (PCRA) must be submitted within 120 days of the work completed. Invoices submitted for work done in furtherance of appeal or for assignment of a PCRA beyond the 120 days will not be paid.

c. *Conflict Counsel*—Invoices shall be submitted monthly pursuant to contract.

(2) *Family Court Appointments*—Counsel or GAL in any family court matter must present a Petition for Attorney's Fees within 120 days after each hearing, review hearing, adjudication, or disposition. Please indicate the file number and who (i.e., mother, grandmother, guardian ad litem for the children) you represent. Invoices submitted beyond the 120 day deadline will not be paid.

(d) *Rate of Compensation*

The hourly rate of compensation shall be fixed from time to time by Order of Court. Compensation for Conflict Counsel shall be established by contract.

(e) *Procedures*

The Court Administrator of Westmoreland County may establish procedures regarding the form of Petitions, copies, subpoenas, postage and telephone, professional services, mileage and travel, witness fees, and other costs and services.

[Pa.B. Doc. No. 14-1241. Filed for public inspection June 13, 2014, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated June 2, 2014, Benjamin J. Viloski is Disbarred on Consent from the practice of law in this Commonwealth, to be effective July 2, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-1242. Filed for public inspection June 13, 2014, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that on June 2, 2014, the Supreme Court of Pennsylvania ordered that Peter C. Ibe be placed on Temporary Suspension from the practice of law pursuant to Rule 214, Pa.R.D.E., to be effective July 2, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

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

[Pa.B. Doc. No. 14-1243. Filed for public inspection June 13, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

DEPARTMENT OF EDUCATION

[22 PA. CODE CH. 19]

Educator Effectiveness Rating Tool; Principals; Nonteaching Professional Employees

The Department of Education (Department) adopts §§ 19.2 and 19.3 and Appendix A (relating to principal/school leader effectiveness rating tool; nonteaching professional employee effectiveness rating tool; and percentage weights for data components/indicators of the building level score for the educator effectiveness rating tool) to read as set forth in Annex A.

Omission of Proposed Rulemaking

Under section 1123 of the Public School Code of 1949 (act) (24 P. S. § 11-1123), regarding rating systems, amended by the act of June 30, 2012 (P. L. 684, No. 82) (Act 82), the Department is required to develop three rating tools. A rating tool to measure the effectiveness of classroom teachers was published at 43 Pa.B. 3337 (June 22, 2013). This final-omitted rulemaking adopts a rating tool for principals and a rating tool for nonteaching professional employees. Section 1123(c)(3)(i) and (d)(2)(i) of the act requires the Department to publish these two rating tools in the *Pennsylvania Bulletin* by June 30, 2014.

Under section 1123(j) of the act, the publication of a rating tool by the Department is expressly exempt from sections 201–205 the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201–1205), known as the Commonwealth Documents Law (CDL), section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)) and the Regulatory Review Act (71 P. S. §§ 745.1–745.12). Therefore, the Department is not required to publish a proposed rulemaking as prescribed by the CDL. The rating tool is exempt from the statutory provisions requiring review by the Office of Attorney General. The publication of the rating tool is not subject to review and approval by the Independent Regulatory Review Commission.

Statutory Authority

This final-omitted rulemaking is published under the authority of section 1123(a), (c)(3), (d)(2), (e) and (j) of the act as amended by Act 82 and sections 201 and 506 of The Administrative Code of 1929 (71 P. S. §§ 61 and 186).

Purpose

This final-omitted rulemaking fulfills the directive of section 1123(c)(3)(i) and (d)(2)(i) of the act that the Department “shall develop, issue and publish in the *Pennsylvania Bulletin* a rating tool” for principals and another for nonteaching professional employees. As required under Act 82, the rating tools contain measures based on professional practice and measures of student performance. The rating tools each encompass a form and instructions. The final-omitted rulemaking also includes a process whereby the governing board of a local education agency (LEA) may submit plans for alternative rating tools to the Department for review and approval.

Background and Public Input

Under section 1123(a) of the act, the Department developed the rating tool “in consultation with education

experts, parents of school-age children enrolled in a public school, teachers and administrators. . . .” To formally implement this provision, the Department convened a Stakeholders Group. Members of the Stakeholders Group included parents, teachers, administrators, chief executive officers of charter schools, representatives from higher education and others from across this Commonwealth. The Stakeholders Group met and reviewed key elements of the rating tool and provided the Department with feedback.

Provisions of Final-Omitted Rulemaking

Sections 19.2 and 19.3 state that the rating tools function as a framework for the evaluation and summative process for professional educators. In each section, the rating tool consists of the one-page rating form used by LEAs to record the results of the data collection process which provides for a potential overall rating of Failing, Needs Improvement, Proficient or Distinguished. The rating form sets numeric values for these four rating levels on a zero to three point scale.

In Act 82, “principal” is defined as “a building principal, an assistant principal, a vice principal or a director of vocational education.” Section 19.2 defines “principal/school leader” as including all four positions. A “nonteaching professional employee” is identified as “NTPE” in § 19.3. This position includes education specialists, supervisors in positions not identified as principals/school leaders and instructional staff who are not categorized as “classroom teachers” as defined in § 19.1(I) (relating to classroom teacher effectiveness rating tool).

Sections 19.2 and 19.3 set forth descriptions of the four areas or domains for professional practice. The rating tool provides descriptions of educator performance or behavior at the four different rating levels in the four areas or domains.

For both sets of professional employees, the rating tool contains “Instructions for Rating Tool—Standards of Use” that are divided into six areas or main paragraphs. The first area includes the definitions for the rating tool. The second area, “General Provisions,” contains directions for the evaluation and rating process as well as basic instructions for completing the rating form.

The third area contains procedures for rating professional practice. For principals/school leaders, it accounts for 50% of an employee’s total rating. Under Act 82, it is 80% of the total rating for nonteaching professional employees. This area addresses the evaluation of the four domains of professional observation and practice in the form. This area sets forth descriptions of how to develop, combine and calculate the domains into one performance level. LEAs are allowed to use a variety of evidence gathering techniques.

The fourth area includes measures for student performance. For principals/school leaders, this area represents the other 50% of the total rating. It is divided into three categories each assigned a percentage factor by Act 82.

The first category is “Building Level Data” and it covers eight different measurements including exam results, graduation and promotion rates, and attendance data. It is 15% of an employee’s total rating.

The second category, “Correlation Data,” also comprises 15% of the final rating. It consists of a review of teacher-level measures and teacher observation and practice ratings.

The final area in the rating of principals/school leaders is the "Elective Data" measure which may include various options for measures of student performance. LEAs shall select and develop measures using a Student Learning Objective process. This area is 20% of a principal/school leader's total rating.

For nonteaching professional employees, the "student performance of all students in the school building in which the NTPE is employed" is 20% of the final rating. The "building level score" will be utilized to determine the rating based on student performance of students in the school building. The building level score is consistent with the measures used in the "building level data" provision of both the principal/school leader rating tool and the classroom teacher rating tool. See § 19.1(IV)(a).

Sections 19.2 and 19.3 also include provisions addressing recordkeeping and creation of alternative rating tools.

Affected Parties

Based on data for the 2011-2012 school year, the number of individuals and entities that may be directly affected by the final-omitted rulemaking includes approximately 148,520 professional staff, 1,758,000 students, school districts, area vocational-technical schools, career technology centers and intermediate units.

Benefits

The rating tools will provide for a more effective evaluation of professional employee performance in schools in this Commonwealth. The potential benefits of the rating tool are significant. It will enable LEAs and the Department to document possible trends in principal and professional employee effectiveness. Thereby, local administrators, the Department and State lawmakers will be able to identify principal and professional employee improvement programs that are successful and produce solid results in student learning, achievement and growth.

Cost, Paperwork Estimates and Fiscal Impact

The paperwork costs should be minimal. The Department will provide assistance to LEAs in using electronic formats that will reduce paperwork costs and reduce staff time allotted to tracking and filing evaluations.

Additional costs imposed by this final-omitted rulemaking will be minimal. Annual evaluations of professional employees and semiannual evaluations of untenured employees are already a standard function of LEAs across this Commonwealth.

The Department budget for educator effectiveness programs was approximately \$3.7 million in the current

fiscal year. This total is projected to be \$1.6 million in 3 years. Therefore, costs will go down as the project proceeds.

Effective Date

This final-omitted rulemaking shall take effect on July 1, 2014. The phase-in for the principal rating tool will begin in 2014-2015 school year.

Regulatory Review

Under section 1123(j) of the act, this final-omitted rulemaking is exempt from the Regulatory Review Act.

Contact Person and Information

For further information, individuals may contact Carolyn C. Dumaresq, Ed.D., Acting Secretary of Education, Department of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 783-9780, Ra-educationsecretary@pa.gov. Persons with disabilities may use fax (717) 787-7222 or TTY at (717) 783-8445.

Order

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

(a) The regulations of the Department, 22 Pa. Code Chapter 19, are amended by adding §§ 19.2 and 19.3 and Appendix A to read as set forth in Annex A.

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

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

(d) This final-omitted rulemaking shall take effect on July 1, 2014.

CAROLYN C. DUMARESQ, Ed.D.

Acting Secretary

Fiscal Note: 6-331. (1) General Fund; (2) Implementing Year 2013-14 is \$1,963,000; (3) 1st Succeeding Year 2014-15 is \$1,875,000; 2nd Succeeding Year 2015-16 is \$1,760,000; 3rd Succeeding Year 2016-17 is \$1,760,000; 4th Succeeding Year 2017-18 is \$1,760,000; 5th Succeeding Year 2018-19 is \$1,760,000; (4) 2012-13 Program—\$0; 2011-12 Program—\$0; 2010-11 Program—\$0; (7) various appropriations; (8) recommends adoption. Funds have been included in the current fiscal year budget to cover this increase, and are built into the 2014-15 Executive Budget proposal.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 19. EDUCATOR EFFECTIVENESS RATING TOOL

§ 19.2. Principal/school leader effectiveness rating tool.

The rating tool functions as a framework for the evaluation and summative process for principals, assistant principals, vice principals and directors of vocational education, and is designed for local education agencies providing early childhood, elementary or secondary education across this Commonwealth. The tool is comprised of the form and instructions. The following rating form shall be used to record the results of the data collection process.

The four domains for Leadership Observation and Practice in the rating form give due consideration to and incorporate the professional practice areas of planning and preparation, school environment, delivery of service, and professional development, as set forth in sections 1123(c)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(c)(1)(i)—(iv)). Descriptions of the four domains in Part (A) Leadership Observation and Practice are summarized in Table A.

Table A: Descriptions of Four Domains

Domain	Description
I. Strategic/Cultural Leadership* 25%	Principals/School Leaders systematically and collaboratively develop a positive culture to promote continuous student growth and staff development. They articulate and model a clear vision of the school's culture that involves students, families, and staff.
II. Systems Leadership* 25%	Principals/School Leaders ensure that there are processes and systems in place for budgeting, staffing, problem solving, communicating expectations and scheduling that result in organizing the work routines in the building. They must manage efficiently, effectively and safely to foster student achievement.
III. Leadership for Learning* 25%	Principals/School Leaders ensure that a Standards Aligned System is in place to address the linkage of curriculum, instruction, assessment, data on student learning and teacher effectiveness based on research and best practices.
IV. Professional and Community Leadership* 25%	Principals/School Leaders promote the success of all students, the positive interactions among building stakeholders and the professional growth of staff by acting with integrity, fairness and ethics.

* Crosswalks pertaining to the four domains in Leadership Observation and Practice in the rating form and the professional practice areas of planning and preparation, school environment, delivery of service, and professional development, as set forth in sections 1123(c)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(c)(1)(i)—(iv)) will be available at the Department's website.

Table B summarizes leadership performance levels for each of the Domain Rating Assignments and for the ratings to be assigned for each domain in the "Rating (A)" column.

Table B: Four Levels of Performance in Four Domains

Domain	Failing	Needs Improvement	Proficient	Distinguished
I. Strategic/Cultural Leadership 25%	The Principal/School Leader provides little or no strategic direction with most work being done by staff in isolation. Decisions are not student-focused and reflect opinion with little use of data. Despite the need for change, ineffective practices continue.	The Principal/School Leader provides some strategic direction with a few collaborative processes in place. Data is used sparingly to make decisions with some focus on improvement. The culture is moderately student-centered. Change occurs when required by external forces.	The Principal/School Leader utilizes a data-based vision that is student-centered. The culture is collaborative with a focus on continuous improvement. The staff is held accountable for student success. Change is evidence based.	The Principal/School Leader establishes a future-focused, data-based vision around individual student success. The culture is highly collaborative with staff accepting responsibility for the achievement of each student. Change for continuous improvement is embraced.

Table B: Four Levels of Performance in Four Domains

Domain	Failing	Needs Improvement	Proficient	Distinguished
<p>II. Systems Leadership 25%</p>	<p>The Principal/School Leader establishes an educational environment that is characterized by chaos and conflict with no plan evident for school safety. Resources are allocated with little or no focus on the needs of students. Staff is low performing with no system designed to improve instruction.</p>	<p>The Principal/School Leader establishes an educational environment that is moderately orderly with rules and regulations that partially support school safety. Teacher evaluations are completed as an administrative process. Resources are allocated solely on individual teacher requests.</p>	<p>The Principal/School Leader establishes a clear plan for the safety of all students and staff. An effective teacher evaluation system is used to improve instruction. Time schedules, student scheduling and other resources are structured to meet the needs of all students.</p>	<p>The Principal/School Leader clearly involves all staff in the development and implementation of a safe school plan. Peer observations, coaching and cooperative lesson planning are mainstays of a plan for improvement of instruction. All staff and students are highly respectful of each other and resources are allocated based upon student need and are aligned with a clearly stated vision.</p>
<p>III. Leadership for Learning 25%</p>	<p>The Principal/School Leader establishes an educational environment that is characterized by low expectations for both students and staff with curriculum, instruction and assessment viewed as independent entities. No plan for improvement exists. Significant interruptions disrupt instruction.</p>	<p>The Principal/School Leader establishes an educational environment that is characterized by varying and inconsistent expectations. Some effort is being made to align curriculum, instruction and assessment. School improvement efforts are sporadic and unclear while the quality of instruction is inconsistent. A moderate number of interruptions disrupt instruction.</p>	<p>The Principal/School Leader regularly and consistently communicates high expectations to staff, students and families. All curriculum, instruction and assessment are aligned. The Principal/School Leader is at the forefront of all improvement efforts and assures high quality instruction is delivered to all students. Instructional time is maximized with few or no interruptions.</p>	<p>The Principal/School Leader ensures students and staff support and maintain high expectations. The Principal/School Leader and staff meet on a consistent basis to align curriculum, instruction and assessment. School improvement efforts are jointly developed by the Principal/School Leader and staff. Instructional time is highly valued and maximized. Interruptions occur only when absolutely necessary.</p>
<p>IV. Professional and Community Leadership 25%</p>	<p>The Principal/School Leader establishes little or no communication among school, families and the community. Staff members exhibit low ethical standards and levels of professionalism. Little or no professional development exists.</p>	<p>The Principal/School Leader establishes moderate levels of communication among school, families and the community. Staff members exhibit moderate levels of ethical standards and professionalism. Isolated professional development activities exist.</p>	<p>The Principal/School Leader ensures all staff members communicate regularly with families about their children’s progress. Family and community members are partners in the educational program. All staff members exhibit high ethical standards and levels of professionalism. Professional development is based upon identified needs and is aligned with instructional priorities.</p>	<p>The Principal/School Leader ensures high levels of two-way communication exist between staff, families and the community. Staff members are involved in student participation opportunities outside the school day that support students’ academic needs. Staff is highly involved in developing and implementing staff development aligned with instructional priorities.</p>

INSTRUCTIONS FOR RATING TOOL—STANDARDS OF USE

The rating form and related documents are available at the Department's website in electronic versions and Excel worksheet format for scoring and rating tabulation.

I. Definitions.

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

Assessment—The term shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) (24 P. S. § 26-2603-B(d)(10)(i)) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the Department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

Chief School Administrator—An individual who is employed as a school district superintendent, an executive director of an intermediate unit or a chief school administrator of an area vocational-technical school or career technology center.

Classroom Teacher—A professional or temporary professional employee who provides direct instruction to students related to a specific subject or grade level and usually holds one of the following:

Instructional I Certificate (see § 49.82),

Instructional II Certificate (see § 49.83),

Vocational Instructional I Certificate (see § 49.142), and

Vocational Instructional II Certificate (see § 49.143).

Department—The Department of Education of the Commonwealth.

Distinguished—The employee's performance consistently reflects the employee's professional position and placement at the highest level of practice.

District-designed measures and examinations, and locally developed school district rubrics—A measure of student performance created or selected by an LEA. The development or design of the measure shall be documented via a Student Learning Objective.

Education Specialist—A person who holds an educational specialist certificate issued by the Commonwealth, including, but not limited to, a certificate endorsed in the area of elementary school counselor, secondary school counselor, school counselor K-12, school nurse, home and school visitor, school psychologist, dental hygienist, or instructional technology specialist.

Employee—A person who is a professional employee or temporary professional employee.

Failing—The employee does not meet performance expectations required for the position.

Keystone Exam—An assessment developed or caused to be developed by the Department pursuant to 22 Pa. Code § 4.51 (relating to state assessment system).

LEA—A local education agency, including a public school district, area vocational-technical school, career technology center and intermediate unit, which is re-

quired to use a rating tool established pursuant to section 1123 of the Public School Code (24 P. S. § 11-1123).

Needs Improvement—The employee is functioning below proficient for performance expectations required for continued employment.

Nonteaching Professional Employee—A person who is an education specialist or a professional employee or temporary professional employee who provides services other than classroom instruction.

Performance Improvement Plan—A plan, designed by an LEA with input of the employee, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the results of the rating provided for under this chapter.

Principal/School Leader—A building principal, an assistant principal, a vice principal or a director of vocational education.

Professional Employee—An individual who is certified as a teacher, supervisor, principal, assistant principal, vice-principal, director of vocational education, dental hygienist, visiting teacher, home and school visitor, school counselor, child nutrition program specialist, school nurse, or school librarian.

Proficient—The employee's performance consistently reflects practice at a professional level.

PSSA—The Pennsylvania System of School Assessment established in 22 Pa. Code § 4.51 (relating to state assessment system).

PVAAS—The Pennsylvania Value-Added Assessment System established in compliance with 22 Pa. Code § 403.3 (relating to single accountability system) and its data made available by the Department under Section 221 of the Public School Code (24 P. S. § 2-221).

SLO—The Student Learning Objective is a record of the development and application of student performance measures selected by an LEA. It documents the process used to determine a student performance measure and validate its assigned weight. This record will provide for quality assurance in rating a student performance measure on the zero-to-three-point rating scale.

Student Performance—A compilation of performance measures including building level, correlation and elective data as set forth in Paragraph (IV) relating to standards of use for multiple measures of student performance.

Temporary Professional Employee—An individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employee whose service has been terminated by death, resignation, suspension or removal.

II. General Provisions.

1. The rating of a Principal/School Leader shall be performed by or under the supervision of the chief school administrator, or, if so directed by the chief school administrator, by an assistant administrator, a supervisor or a principal, who has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator. (24 P. S. § 11-1123(h)(3))

2. The rating form shall be marked to indicate whether the Principal/School Leader is a professional employee or temporary professional employee.

3. A temporary professional employee must be notified as to the quality of service at least twice a year. (24 P. S. § 11-1108)

4. The rating form includes four measures or rated areas: Leadership Observation and Practice, Building Level, Correlation, and Elective. Application of each measure is dependent on the availability of data. A rating in the range of zero to three based on the “0 to 3 Point Scale” must be given to each of the four rating areas.

5. Leadership Observation and Practice is divided into four domains: I. Strategic/Cultural Leadership; II. Systems Leadership; III. Leadership for Learning; and IV. Professional and Community Leadership. The four domains for Leadership Observation and Practice in the rating form give due consideration to and incorporate the professional practice areas of planning and preparation, school environment, delivery of service, and professional development, as set forth in sections 1123(c)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(c)(1)(i)—(iv)). For each domain, an employee must be given a rating of zero, one, two or three which is based on observation, practice models, evidence or documented artifacts.

6. The Building Level Score will be provided by the Department or its designee, and published annually on the Department’s website.

7. The Correlation Rating shall include a review of correlation data based on teacher-level measures facilitated through the Correlation Data Performance Level Descriptors and guidance provided by the Department.

8. Data, ratings and weights assigned to measures for the Elective Rating must be recorded by a process provided by the Department.

9. Each of the four measures in Final Principal/School Leader Effectiveness Rating shall be rated on the zero-to-three-point scale. Each number in Rating (C) shall be multiplied by the Factor (D) and the sum of the Earned Points or Total Earned Points shall be converted into a Performance Rating using the table marked Conversion to Performance Rating.

10. An overall performance rating of Distinguished or Proficient shall be considered satisfactory.

11. An initial overall performance rating of Needs Improvement shall be considered satisfactory.

12. The second overall performance rating of Needs Improvement issued by the same employer within 10 years of the first rating of Needs Improvement where the employee is in the same certification shall be considered unsatisfactory.

13. For professional employees, two consecutive overall unsatisfactory ratings, which include observations, and are not less than four months apart, shall be considered grounds for dismissal.

14. No temporary professional employee shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employee within 10 days following the date of such rating.

15. An employee who receives an overall performance rating of Needs Improvement or Failing must participate in a performance improvement plan. No employee will be rated Needs Improvement or Failing based solely on student test scores.

16. The rating form shall be marked to indicate the appropriate performance rating and whether the overall final rating is satisfactory or unsatisfactory.

17. The rating form must be signed by the chief school administrator or by a designated rater, who is an assistant administrator, supervisor or principal, has supervision over the work of the professional employee or temporary professional employee being rated, and is directed by the chief school administrator to perform the rating.

18. A final rating of unsatisfactory will not be valid unless approved and signed by the chief school administrator.

19. A signed copy of the rating form shall be provided to the employee.

20. The rating tool is not intended to establish mandates or requirements for the formative process of supervising professional employees.

21. This rating form, section or chapter may not be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a Principal/School Leader, based on information and data available at the time of the action.

III. Standards of Use for Leadership Observation and Practice.

Part (A) “Leadership Observation and Practice” in the rating form shall be completed using the following standards, calculations and procedures.

(a) *Leadership observation and practice domains.* The rating of a Principal/School Leader for effectiveness in leadership practice shall be based on observation or other supervisory methods. Leadership practice shall comprise 50% of the Final Principal/School Leader Effectiveness Rating of the employee. The percentage factor for each domain is listed in Table C:

Table C: Four Domains	
Domains	% of 50% allotment
I. Strategic/Cultural Leadership	25.0
II. Systems Leadership	25.0
III. Leadership for Learning	25.0
IV. Professional and Community Leadership	25.0

(b) *Summative process of evaluation.* LEAs shall utilize leadership practice models (e.g., Department, *Framework for Leadership*) that address the areas related to professional leadership observation and practice contained in the four domains in Table C which give due consideration to and incorporate the professional practice areas of planning and preparation, school environment, delivery of service, and professional development, as set forth in sections 1123(c)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(c)(1)(i)—(iv)) and are approved by the Department. The Department shall publish a list of approved practice models for assessing the four domains annually on the Department’s website. A Principal/School Leader must be given a rating in each of the four domains. In determining a rating for a Principal/School Leader, an LEA may use any portion or combination of the practice models related to the domains. The four domains and professional practice models establish a framework for the summative process of evaluating

Principal/School Leaders. The form and standards do not impose mandates on the supervisory and formative processes utilized by an LEA.

(c) *Evidentiary sources.* Leadership observation and practice evaluation results and ratings shall be based on evidence. Information, including dates and times, if applicable, on the source of the evidence shall be noted in the employee's record. As appropriate for the employee and the employee's placement in a leadership position, records may include, but not be limited to, any combination of the following items:

(1) Notations of professional observations, employee/rater conferences or interviews, or informal observations or visits, including dates for observations, interviews and conferences.

(2) Communication logs (emails, letters, notes regarding phone conversations, etc.) to parents, staff, students, and/or community members.

(3) Utilization of formative and summative assessments that impact instruction and critiques of lesson plans.

(4) Agendas and minutes of meetings, programs, courses, or planning sessions.

(5) Family, parent, school and community feedback.

(6) Development and implementation of school improvement plans, professional growth programs, in-service programs, student assemblies, safety programs, and other events or programs that promote educational efficacy, health and safety.

(7) School budget and expenditure reports.

(8) Act 45 documentation.

(9) Examination of sources of evidence provided by the employee.

The documentation, evidence and findings of the rater shall provide a basis for the rating of the employee in the domains of observation and practice.

(d) *Scoring.* An LEA must provide a rating score in each domain. The four leadership observation and practice domains shall be rated and scored on a zero-to-three-point scale. The ratings of Failing, Needs Improvement, Proficient and Distinguished are given numeric values as shown in Table D.

<i>Performance Rating</i>	<i>Value</i>
Failing	0
Needs Improvement	1
Proficient	2
Distinguished	3

(e) *Ratings and weighted scoring.* The four domains of leadership observation and practice in Part (A) of the form are each assigned a percentage factor. Each domain shall be scored on the "0-to-3-point scale." The individual score or rating for each domain is adjusted by the percentage factor attributed to that domain. The score of zero, one, two or three for each domain is calculated into points based on its percentage factor. The sum of the points for all domains will be the total Leadership Observation and Practice Rating. The calculation for each domain is set forth in Table E.

<i>Domain</i>	<i>Title</i>	<i>Rating (A)</i>	<i>Factor (B)</i>	<i>Earned Points (A x B)</i>	<i>Max Points</i>
I.	Strategic/Cultural Leadership		25%		0.75
II.	Systems Leadership		25%		0.75
III.	Leadership for Learning		25%		0.75
IV.	Professional and Community Leadership		25%		0.75
<i>Leadership Observation & Practice Points/Rating</i>					3.00

(f) *Administrative action based on available data.* Nothing in these standards of use for leadership observation and practice, this section or this chapter shall be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a Principal/School Leader, based on information and data available at the time of the action.

(IV) Standards of Use for Multiple Measures of Student Performance.

Student Performance is comprised of building level, correlation and elective data. In total, these three measures are 50% of the Final Principal/School Leader Effectiveness Rating. Each area has a prescribed percentage factor of the performance rating as described in Table F.

<i>Multiple Measure Rating Area</i>	<i>Factor</i>
Building Level Rating	15%
Correlation Rating	15%
Elective Rating	20%

(a) *Building level data.*

(1) For the purposes of Paragraph (IV) relating to Standards of Use for Multiple Measures of Student Performance, the term "building" shall mean a school or configuration of grades that is assigned a unique four-digit identification number by the Department unless the context clearly indicates otherwise.

(2) Building level data comprises 15% of the Final Principal/School Leader Effectiveness Rating. Building level data shall include, but is not limited to, the following when data is available and applicable to a building where the Principal/School Leader provides service:

- (i) Student performance on assessments.
- (ii) Value-added assessment system data made available by the Department under section 221 of the Public School Code (24 P. S. § 2-221).
- (iii) Graduation rate as reported to the Department under section 222 of the Public School Code (24 P. S. § 2-222).
- (iv) Promotion rate.
- (v) Attendance rate as reported to the Department under section 2512 of the Public School Code (24 P. S. § 25-2512).
- (vi) Industry certification examinations data.
- (vii) Advanced placement course participation.
- (viii) Scholastic aptitude test and preliminary scholastic aptitude test data.

(3) As with 22 Pa. Code § 19.1(IV)(a), the Building Level Rating shall be determined through conversion of the Building Level Score. The percentage weight given to each measure component contained in Appendix A will be utilized in Building Level Score computations using available data. The Department or its designee will provide the Building Level Score for each building within an LEA based on available data. Building Level Scores will be published annually on the Department’s website.

(4) Each LEA shall utilize the conversions in Table G below to calculate the Building Level Rating for each building with eligible building level data.

<i>Building Level Score</i>	<i>0-3 Rating Scale*</i>
90.0 to 107	2.50-3.00
70.0 to 89.9	1.50-2.49
60.0 to 69.9	0.50-1.49
00.0 to 59.9	0.00-0.49

*The Department will publish the full conversion formula on its website.

LEAs shall add the Building Level Rating to Parts (B)(2) and (C)(2) of the Rating Form.

(5) If a Principal/School Leader is assigned to two or more buildings, the LEA will use building level data from each building based on the percentage of the employee’s work performed in each building in calculating the whole 15% for this portion of the final rating.

(6) For Principal/School Leaders in positions for which there is no Building Level Score reported on the Department website, the LEA shall utilize the rating from the leadership observation and practice portion of the rating form in Part (A)(1) in place of the Building Level Rating.

(b) *Correlation data.*

(1) Correlation data will comprise 15% of the Final Principal/School Leader Effectiveness Rating and features correlation data based on teacher-level measures. For the purpose of Paragraph (IV)(b), the term “teacher-level measures” shall include, but not be limited to, any combination of one or more of the following data for classroom teachers who are evaluated by the Principal/School Leader:

- (i) Building level data (22 Pa. Code § 19.1(IV)(a)).
- (ii) Teacher specific data (22 Pa. Code § 19.1(IV)(b)).
- (iii) Elective data (22 Pa. Code § 19.1(IV)(c)).

(2) The Correlation Data Performance Level Descriptors in Table H below are provided for the rater to use as a basis for developing a rating of 0, 1, 2 or 3 for the Correlation Rating in Parts (B)(3) and (C)(3) of the Principal/School Leader Rating Form. The descriptors are designed to be used in evaluating the Principal/School Leader’s knowledge, understanding and intended application of evidence presented regarding the relationship between teacher-level measures and observation and practice ratings (22 Pa. Code § 19.1(III)) for classroom teachers who are evaluated by the Principal/School Leader. The rater shall provide the Principal/School Leader with the opportunity to present evidence and sources.

<i>Correlation Rating (15%)</i>	<i>0—Failing</i>	<i>1—Needs Improvement</i>	<i>2—Proficient</i>	<i>3—Distinguished</i>
Degree of understanding of evidence presented regarding the relationship between teacher-level measures and teacher observation and practice ratings. Quality of explanation provided for observed relationship between teacher-level measures and teacher observation and practice ratings.	Responses demonstrate no understanding of: • The presented teacher-level measures. • The nature and plausible cause of the observed relationship between teacher-level measures and teacher observation and practice ratings.	Responses demonstrate a limited understanding of: • The presented teacher-level measures. • The nature and plausible cause of the observed relationship between teacher-level measures and teacher observation and practice ratings.	Responses demonstrate a solid understanding of: • The presented teacher-level measures. • The nature and plausible cause of the observed relationship between teacher-level measures and teacher observation and practice ratings.	Responses demonstrate a comprehensive understanding of: • The presented teacher-level measures. • The nature and plausible cause of the observed relationship between teacher-level measures and teacher observation and practice ratings.

Table H: Correlation Data Performance Level Descriptors				
<i>Correlation Rating (15%)</i>	<i>0—Failing</i>	<i>1—Needs Improvement</i>	<i>2—Proficient</i>	<i>3—Distinguished</i>
Plans for how the data will be used to support school and LEA goals.	• How to use this data to support the attainment of school and LEA goals.	• How to use this data to support the attainment of school and LEA goals.	• How to use this data to support the attainment of school and LEA goals.	• How to use this data to support the attainment of school and LEA goals.

(3) The Department will provide guidance for LEAs to use in applying the Correlation Data Performance Level Descriptors in Table H and validating the Correlation Rating for a Principal/School Leader.

(4) For Principals/School Leaders in positions where their duties and responsibilities do not include evaluating and/or signing rating forms for classroom teachers, the LEA shall utilize the Elective Rating in Parts (B)(4) and (C)(4), pursuant to Paragraph (IV)(c), in place of the Correlation Rating.

(c) *Elective data.*

(1) This third area will comprise 20% of the Final Principal/School Leader Effectiveness Rating. Elective Data shall consist of measures of student achievement that are locally developed and selected by the LEA from a list approved by the Department and published in the *Pennsylvania Bulletin* by June 30 of each year, including, but not limited to, the following:

- (i) District-designed measures and examinations.
- (ii) Nationally recognized standardized tests.
- (iii) Industry certification examinations.
- (iv) Student projects pursuant to local requirements.
- (v) Student portfolios pursuant to local requirements.

(2) LEAs shall use an SLO to document the process to determine and validate the weight assigned to Elective Data measures that establish the Elective Rating. An SLO shall be used to record and verify quality assurance in validating measures of Elective Data on the zero-to-three-point scale and the assigned weight of a measure in the overall performance rating of a Principal/School Leader. The Department will provide guidance and templates for LEAs to use SLOs in selecting, developing and applying Elective Data measures.

(3) All LEAs shall have SLOs in place for collecting Elective Data and ratings for school year 2015-2016 and for school years thereafter. If Elective Data is unavailable in school year 2014-2015, an LEA shall use the rating in Part (A)(1) total Principal/School Leader Observation and Practice Rating of the form for a Principal/School Leader. The rating from Part (A)(1) in the form shall be used in Parts (B)(4) and (C)(4) for the 20% of the Principal/School Leader's overall performance rating.

(4) If multiple Elective Data measures are used for one Principal/School Leader, the LEA shall determine the percentage weight given to each Elective Data measure.

(d) *Transfer option.* A Principal/School Leader who transfers from one building, as defined for building level data (Paragraph (IV)(a)(1)), to another within an LEA, shall have the option of using the Correlation Rating, as set forth in Paragraph (IV)(b) in place of the Building Level Rating for the employee's evaluation in the new placement for two school years starting on the date when

the Principal/School Leader begins the assignment in the new location. A Principal/School Leader who elects this option shall sign a statement of agreement giving the LEA permission to calculate the final rating using this method.

(e) *Administrative action based on available data.* Nothing in these standards of use for multiple measures of student performance, this section or this chapter shall be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of a Principal/School Leader, based on information and data available at the time of the action.

(V) Recordkeeping: Maintenance of Rating Tool Data, Records and Forms.

(a) *Records to be maintained.* It shall be the duty of the LEA to establish a permanent record system containing ratings for each employee within the LEA and copies of all her or his ratings for the year shall be transmitted to the employee upon her or his request; or if any rating during the year is unsatisfactory copy of same shall be transmitted to the employee concerned. No employee shall be dismissed for incompetency or unsatisfactory performance unless such rating records have been kept on file by the LEA.

(b) *Reporting of data restricted to aggregate results.* Pursuant to Section 1123(i) of the Public School Code 11-1123(i), LEAs shall provide to the Department the aggregate results of all Principal/School Leader evaluations.

(c) *Confidentiality.* Each LEA shall maintain records in accordance with Section 708(b)(7) of the act of February 14, 2008 (P. L. 6, No. 3), known as the "Right-to-Know Law," (65 P. S. § 67.708(b)(7)), and Sections 221(a)(1) and 1123(p) of the Public School Code (24 P. S. §§ 2-221(a)(1) and 11-1123(p)).

(VI) LEA Alternative Rating Tool.

The Department will review at the request of an LEA an alternative rating tool that has been approved by the LEA governing board. The Department may approve for a maximum period of not more than five years any alternative rating tool that meets or exceeds the measures of effectiveness established under 24 P. S. § 11-1123.

§ 19.3. Nonteaching professional employee effectiveness rating tool.

The rating tool functions as a framework for the evaluation and summative process for nonteaching professional employees, and is designed for local education agencies providing early childhood, elementary or secondary education across this Commonwealth. The tool is comprised of the form and instructions. The following rating form shall be used to record the results of the data collection process.

Descriptions of the four domains in Part (A) NTPE Observation and Practice are summarized in Table A.

Domain	Description
I. Planning & Preparation* 25%	Effective nonteaching professional employees (NTPEs) plan and prepare to deliver high-quality services based upon extensive knowledge of their discipline/supervisory position relative to individual and/or systems-level needs and within the context of interdisciplinary collaboration. Service delivery outcomes are clear, measurable and represent relevant goals for the individual and/or system.
II. Educational Environment* 25%	Effective NTPEs assess and enhance the quality of the environment along multiple dimensions toward improved academic, behavioral and social-emotional outcomes. Environmental dimensions include adult-student relationships, staff interactions, security and maintenance, administration, student academic orientation, student behavioral values, student-peer relationships, parent and community-school relationships, instructional and intervention management and student activities.
III. Delivery of Service* 25%	Effective NTPE service delivery and practice emanates from a problem-solving process that can be applied to an individual and/or at the systems level and is used to: (a) identify priority areas for improvement; (b) analysis of variables related to the situation; (c) selection of relevant factors within the system; (d) fidelity of implementation of services and supports; and (e) monitoring of effectiveness of services.
IV. Professional Development* 25%	Effective NTPEs have high ethical standards and a deep sense of professionalism, focused on improving their own service delivery and supporting the ongoing learning of colleagues. Their record keeping systems are efficient and effective. NTPEs communicate with all parties clearly, frequently and with cultural sensitivity. These professionals assume leadership roles within the system and engage in a wide variety of professional development activities that serve to strengthen their practice. Reflection on their practice results in ideas for improvement that are shared across professional learning communities and contribute to improving the practice of others.

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* Crosswalks pertaining to the four domains for NTPE Observation and Practice in the rating form, as set forth in sections 1123(d)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(d)(1)(i)—(iv)), and to professional practice areas attributable to the certifications held by NTPEs will be available at the Department's website.

Table B summarizes NTPE performance levels for each of the Domain Rating Assignments and for the ratings to be assigned for each domain in the "Rating (A)" column.

Domain	Failing	Needs Improvement	Proficient	Distinguished
I. Planning & Preparation 25%	NTPE's planning and preparation reflects little understanding of their discipline/supervisory position relative to individual and/or systems-level needs. Service delivery outcomes, as a function of planning and preparation, are not clear, not measurable and do not represent relevant goals for the individual and/or system.	NTPE's planning and preparation reflects moderate understanding of their discipline/supervisory position relative to individual and/or systems-level needs. Some service delivery outcomes are clear, measurable and represent relevant goals for the individual and/or system.	NTPE's planning and preparation reflects solid understanding of their discipline/supervisory position relative to individual and/or systems-level needs. Most service delivery outcomes are clear, measurable and represent relevant goals for the individual and/or system.	NTPE's planning and preparation reflects extensive understanding of their discipline/supervisory position relative to individual and/or systems-level needs. All service delivery outcomes are clear, measurable and represent relevant goals for the individual and/or system.

Table B: Four Levels of Performance in Four Domains

Domain	Failing	Needs Improvement	Proficient	Distinguished
<p>II. Educational Environment 25%</p>	<p>Environment is characterized by chaos and conflict, with low expectations for improved academic, behavioral and social-emotional outcomes. There are no clear standards for interactions, student behavior, use of physical space, instruction and intervention with students, maintaining confidentiality, etc.</p>	<p>Adults communicate modest expectations for improved academic, behavioral and social-emotional outcomes. There are some clearly defined standards for interactions, student behavior, use of physical space, instruction and intervention with students, maintaining confidentiality, etc.</p>	<p>Environment functions smoothly, with little or no loss of service delivery time. Expectations for interactions, student behavior, use of physical space, instruction and intervention with students, and maintaining confidentiality are high. Standards for student conduct are clear and the environment supports academic, behavioral and social-emotional growth.</p>	<p>Recipients of services make a substantive contribution to various dimensions of the environment and contribute to improved academic, behavioral and social-emotional outcomes.</p>
<p>III. Delivery of Service 25%</p>	<p>Effective service delivery and practice does not emanate from a problem-solving process that can be applied to an individual and/or at the systems level and is used to: (a) identify priority areas for improvement; (b) analysis of variables related to the situation; (c) selection of relevant factors within the system; (d) fidelity of implementation of services and supports; and (e) monitoring of effectiveness of services.</p>	<p>Effective service delivery and practice partially emanates from a problem-solving process that can be applied to an individual and/or at the systems level and is used to: (a) identify priority areas for improvement; (b) analysis of variables related to the situation; (c) selection of relevant factors within the system; (d) fidelity of implementation of services and supports; and (e) monitoring of effectiveness of services.</p>	<p>Effective service delivery and practice emanates from a problem-solving process that can be applied to an individual and/or at the systems level and is used to: (a) identify priority areas for improvement; (b) analysis of variables related to the situation; (c) selection of relevant factors within the system; (d) fidelity of implementation of services and supports; and (e) monitoring of effectiveness of services.</p>	<p>Effective service delivery and practice emanates from a problem-solving process that can be applied to an individual and/or at the systems level and is used to: (a) identify priority areas for improvement; (b) analysis of variables related to the situation; (c) selection of relevant factors within the system; (d) fidelity of implementation of services and supports; and (e) monitoring of effectiveness of services. As a function of interdisciplinary collaboration and problem-solving, student and systems-level outcomes improve over time.</p>

Domain	Failing	Needs Improvement	Proficient	Distinguished
IV. Professional Development 25%	NTPE does not adhere to ethical standards or convey a deep sense of professionalism. There is an absence of focus on improving their own service delivery and supporting the ongoing learning of colleagues. Their record keeping systems are inefficient and ineffective. NTPEs communicate ineffectively with all parties as evidenced by lack of clarity, limited frequency and absence of cultural sensitivity. NTPEs do not assume leadership roles within the system and do not engage in a wide variety of professional development activities that would serve to strengthen their practice. Reflection on their practice does not result in ideas for improvement that are shared across professional learning communities and/or contribute to improving the practice of others.	NTPE partially adheres to ethical standards and conveys an emerging sense of professionalism. There is some focus on improving their own service delivery and supporting the ongoing learning of colleagues. Their record keeping systems are approaching efficiency and effectiveness. NTPEs communicate effectively, albeit inconsistently, with all parties through clarity, frequency and cultural sensitivity. NTPEs inconsistently assume leadership roles within the system and engage in a wide variety of professional development activities that serve to strengthen their practice. Reflection on their practice is beginning to result in ideas for improvement that are shared across professional learning communities and/or contribute to improving the practice of others.	NTPE fully adheres to ethical standards and conveys an emerging sense of professionalism. There is a solid focus on improving their own service delivery and supporting the ongoing learning of colleagues. Their record keeping systems are efficient and effective. NTPEs communicate effectively with all parties through clarity, frequency and cultural sensitivity. NTPEs consistently assume leadership roles within the system and engage in a wide variety of professional development activities that serve to strengthen their practice. Reflection on their practice results in ideas for improvement that are shared across professional learning communities and/or contribute to improving the practice of others.	NTPE has exceptional adherence to ethical standards and professionalism. There is always evidence of improvement of practice and support to the ongoing learning of colleagues. Their record keeping systems are exceptionally efficient and effective. NTPEs always communicate effectively with all parties through clarity, frequency and cultural sensitivity. NTPEs always assume leadership roles within the system and engage in a wide variety of professional development activities that serve to strengthen their practice. Reflection on their practice always results in ideas for improvement that are shared across professional learning communities and/or contribute to improving the practice of others.

From *Enhancing Professional Practice: A Framework for Teacher, 2nd Edition* (pp 41-42), by Charlotte Danielson, Alexandria, VA ASCD® 2007. Adapted and reproduced with permission.

INSTRUCTIONS FOR RATING TOOL—STANDARDS OF USE

The rating form and related documents are available at the Department's website in electronic versions and Excel worksheet format for scoring and rating tabulation.

I. Definitions.

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

Assessment—The term shall mean the Pennsylvania System of School Assessment test, the Keystone Exam, an equivalent local assessment or another test established by the State Board of Education to meet the requirements of section 2603-B(d)(10)(i) (24 P. S. § 26-2603-B(d)(10)(i)) and required under the No Child Left Behind Act of 2001 (Public Law 107-110, 115 Stat. 1425) or its successor statute or required to achieve other standards established by the Department for the school or school district under 22 Pa. Code § 403.3 (relating to single accountability system).

Chief School Administrator—An individual who is employed as a school district superintendent, an executive

director of an intermediate unit or a chief school administrator of an area vocational-technical school or career technology center.

Classroom Teacher—A professional or temporary professional employee who provides direct instruction to students related to a specific subject or grade level and usually holds one of the following:

Instructional I Certificate (see § 49.82),

Instructional II Certificate (see § 49.83),

Vocational Instructional I Certificate (see § 49.142), and

Vocational Instructional II Certificate (see § 49.143).

Department—The Department of Education of the Commonwealth.

Distinguished—The employee's performance consistently reflects the employee's professional position and placement at the highest level of practice.

Education Specialist—A person who holds an educational specialist certificate issued by the Commonwealth, including, but not limited to, a certificate endorsed in the area of elementary school counselor, secondary school

counselor, school counselor K-12, school nurse, home and school visitor, school psychologist, dental hygienist, or instructional technology specialist.

Employee—A person who is a professional employee or temporary professional employee.

Failing—The employee does not meet performance expectations required for the position.

Keystone Exam—An assessment developed or caused to be developed by the Department pursuant to 22 Pa. Code § 4.51 (relating to state assessment system).

LEA—A local education agency, including a public school district, area vocational-technical school, career technology center and intermediate unit, which is required to use a rating tool established pursuant to section 1123 of the Public School Code (24 P. S. § 11-1123).

Needs Improvement—The employee is functioning below proficient for performance expectations required for continued employment.

NTPE—A nonteaching professional employee or a person who is an education specialist or a professional employee or temporary professional employee who provides services other than classroom instruction, and includes supervisors and employees with instructional certification who are not categorized as “classroom teachers” by the LEA.

Performance Improvement Plan—A plan, designed by an LEA with input of the employee, that may include mentoring, coaching, recommendations for professional development and intensive supervision based on the results of the rating provided for under this chapter.

Principal—A building principal, an assistant principal, a vice principal or a director of vocational education.

Professional Employee—An individual who is certificated as a teacher, supervisor, principal, assistant principal, vice-principal, director of vocational education, dental hygienist, visiting teacher, home and school visitor, school counselor, child nutrition program specialist, school nurse, or school librarian.

Proficient—The employee’s performance consistently reflects practice at a professional level.

PSSA—The Pennsylvania System of School Assessment established in 22 Pa. Code § 4.51 (relating to state assessment system).

PVAAS—The Pennsylvania Value-Added Assessment System established in compliance with 22 Pa. Code § 403.3 (relating to single accountability system) and its data made available by the Department under Section 221 of the Public School Code (24 P. S. § 2-221).

Student Performance—A compilation of performance measures of all students in the school building in which the NTPE is employed as set forth in Paragraph (IV) relating to standards of use for student performance measures.

Temporary Professional Employee—An individual who has been employed to perform for a limited time the duties of a newly created position or of a regular professional employee whose service has been terminated by death, resignation, suspension or removal.

II. General Provisions.

1. The rating of an employee shall be performed by or under the supervision of the chief school administrator, or, if so directed by the chief school administrator, by an assistant administrator, a supervisor or a principal, who

has supervision over the work of the professional employee or temporary professional employee being rated, provided that no unsatisfactory rating shall be valid unless approved by the chief school administrator. (24 P. S. § 11-1123(h)(3))

2. The rating form shall be marked to indicate whether the employee is a professional employee or temporary professional employee.

3. A temporary professional employee must be notified as to the quality of service at least twice a year. (24 P. S. § 11-1108)

4. The rating form includes two measures or rated areas: NTPE Observation and Practice, and Student Performance of all students in the school building. Application of each measure is dependent on the availability of data. A rating in the range of zero to three based on the “0 to 3 Point Scale” must be given to each of the two rating areas.

5. NTPE Observation and Practice is divided into four domains: I. Planning and Preparation; II. Educational Environment; III. Delivery of Service; and IV. Professional Development. For each domain, an employee must be given a rating of zero, one, two or three which is based on observation, practice models, evidence or documented artifacts.

6. The Student Performance score shall be comprised of the Building Level Score which will be provided by the Department or its designee, and published annually on the Department’s website.

7. Each of the two measures in Final NTPE Effectiveness Rating shall be rated on the zero-to-three-point scale. Each number in Rating (C) shall be multiplied by the Factor (D) and the sum of the Earned Points or Total Earned Points shall be converted into a Performance Rating using the table marked Conversion to Performance Rating.

8. An overall performance rating of Distinguished or Proficient shall be considered satisfactory.

9. An initial overall performance rating of Needs Improvement shall be considered satisfactory.

10. The second overall performance rating of Needs Improvement issued by the same employer within 10 years of the first rating of Needs Improvement where the employee is in the same certification shall be considered unsatisfactory.

11. For professional employees, two consecutive overall unsatisfactory ratings, which include professional observations, and are not less than four months apart, shall be considered grounds for dismissal.

12. No temporary professional employee shall be dismissed unless rated unsatisfactory, and notification, in writing, of such unsatisfactory rating shall have been furnished the employee within 10 days following the date of such rating.

13. An employee who receives an overall performance rating of Needs Improvement or Failing must participate in a performance improvement plan. No employee will be rated Needs Improvement or Failing based solely on student test scores.

14. The rating form shall be marked to indicate the appropriate performance rating and whether the overall final rating is satisfactory or unsatisfactory.

15. The rating form must be signed by the chief school administrator or by a designated rater, who is an assis-

tant administrator, supervisor or principal, has supervision over the work of the professional employee or temporary professional employee being rated, and is directed by the chief school administrator to perform the rating.

16. A final rating of unsatisfactory will not be valid unless signed by the chief school administrator.

17. A signed copy of the rating form shall be provided to the employee.

18. The rating tool is not intended to establish mandates or requirements for the formative process of supervising NTPEs.

19. This rating form, section or chapter may not be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of an NTPE, based on information and data available at the time of the action.

III. Standards of Use for NTPE Observation and Practice.

Part (A) "NTPE Observation and Practice" in the rating form shall be completed using the following standards, calculations and procedures.

(a) *NTPE observation and practice domains.* The rating of an NTPE for effectiveness in professional practice shall be based on observation or other supervisory methods. Professional practice shall comprise 80% of the Final NTPE Effectiveness Rating of the employee. The percentage factor for each domain is listed in Table C:

<i>Domains</i>	<i>% of 80% allotment</i>
I. Planning and preparation.	25.0
II. Educational environment.	25.0
III. Delivery of service.	25.0
IV. Professional development.	25.0

(b) *Summative process of evaluation.* LEAs shall utilize professional practice models (e.g., Danielson, *Enhancing Professional Practice: A Framework for Teaching*; Department, *Framework for Leadership*; Department-developed frameworks/rubrics for education specialists) that address the areas related to observation and practice contained in sections 1123(d)(1)(i)—(iv) of the Public School Code (24 P. S. §§ 11-1123(d)(1)(i)—(iv)) and are approved by the Department. The Department shall publish a list of approved practice models for assessing the four domains annually on the Department's website. The list of approved practice models will include frameworks for professional observation and practice, and relevant cross-walks linking frameworks to the four domains in Table C for professional and temporary professional employees holding certificates issued by the Department who are not assigned classroom teacher or principal positions. Examples of certificates for professional and temporary employees include, but are not limited to, the following:

- (1) Education specialist (22 Pa. Code §§ 49.101—105).
- (2) Instructional (22 Pa. Code §§ 49.82—83, 49.142—143).
- (3) Administrative and supervisory (22 Pa. Code §§ 49.111 and 49.121).

LEAs shall assign the appropriate practice model to each NTPE position description. LEAs shall notify NTPEs of the professional practice models assigned to the

NTPEs' positions. An NTPE must be given a rating in each of the four domains. In determining a rating for an employee, an LEA may use any portion or combination of the practice models related to the domains. The four domains and practice models establish a framework for the summative process of evaluating NTPEs. The form and standards do not impose mandates on the supervisory and formative processes utilized by an LEA.

(c) *Evidentiary sources.* NTPE observation and practice evaluation results and ratings shall be based on evidence. Information, including dates and times, if applicable, on the source of the evidence shall be noted in the employee's record. As appropriate for the employee and the employee's placement in an LEA program, records may include, but not be limited to, any combination of the following items:

(1) Notations of professional observations, employee/rater conferences or interviews, or informal observations or visits, including dates for observations, interviews and conferences.

(2) Lesson unit plans (types, titles and numbers), materials, technology, resource documents, visual technology, utilization of space, student assignment sheets, student work, instructional resources, student records, grade book, progress reports and report cards.

(3) Development and implementation of improvement plans, professional growth programs, in-service programs, student assemblies, and other events or programs that promote educational efficacy, health or safety.

(4) Communication logs (emails, letters, notes regarding phone conversations, etc.) to parents, staff, students, and/or community members.

(5) Utilization of formative and summative assessments that impact instruction and critiques of lesson plans.

(6) Agendas and minutes of meetings, programs, courses, or planning sessions.

(7) Budget and expenditure reports.

(8) Interaction with students' family members.

(9) Family, parent, school and community feedback.

(10) Act 48 documentation or continuing education documentation directly related to the employee's position in the LEA.

(11) Use of professional reflections.

(12) Examination of sources of evidence provided by the employee.

The documentation, evidence and findings of the rater shall provide a basis for the rating of the employee in the domains of observation and practice.

(d) *Scoring.* An LEA must provide a rating score in each domain. The four NTPE observation and practice domains shall be rated and scored on a zero-to-three-point scale. The ratings of Failing, Needs Improvement, Proficient and Distinguished are given numeric values as shown in Table D.

<i>Performance Rating</i>	<i>Value</i>
Failing	0
Needs Improvement	1
Proficient	2
Distinguished	3

(e) *Ratings and weighted scoring.* The four domains of NTPE observation and practice in Part (A) of the form are each assigned a percentage factor. Each domain shall be scored on the “0-to-3-point scale.” The individual score or rating for each domain is adjusted by the percentage factor attributed to that domain. The score of zero, one,

two or three for each domain is calculated into points based on its percentage factor. The sum of the points for all domains will be the total NTPE Observation and Practice Rating. The calculation for each domain is set forth in Table E.

Table E: NTPE Observation and Practice Rating					
<i>Domain</i>	<i>Title</i>	<i>Rating (A)</i>	<i>Factor (B)</i>	<i>Earned Points (A x B)</i>	<i>Max Points</i>
I.	Planning and preparation.		25%		0.75
II.	Educational environment.		25%		0.75
III.	Delivery of service.		25%		0.75
IV.	Professional development.		25%		0.75
<i>NTPE Observation & Practice Points/Rating</i>					3.00

(f) *Administrative action based on available data.* Nothing in these standards of use for NTPE observation and practice, this section or this chapter shall be construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of an NTPE, based on information and data available at the time of the action.

(IV) Standards of Use for Student Performance Measures.

(a) *Building, school or configuration.* For the purposes of Paragraph (IV) relating to Standards of Use for Student Performance Measures, the term “building” shall mean a school or configuration of grades that is assigned a unique four-digit identification number by the Department unless the context clearly indicates otherwise.

(b) *Percentage.* The student performance for all students in the school building in which the NTPE is employed will be derived from the Building Level Score. As set forth in 22 Pa. Code § 19.1(IV)(a)(3), the Department will provide the Building Level Score for each building within an LEA based on available data. Building Level Scores will be published annually on the Department’s website. The Student Performance Rating shall comprise 20% of the Final NTPE Effectiveness Rating.

(c) *Student performance measure.* The student performance measure derived from the Building Level Score shall include, but is not limited to, the following when data is available and applicable to a building where the NTPE is employed:

- (1) Student performance on assessments.
- (2) Value-added assessment system data made available by the Department under section 221 of the Public School Code (24 P. S. § 2-221).
- (3) Graduation rate as reported to the Department under section 222 of the Public School Code (24 P. S. § 2-222).
- (4) Promotion rate.
- (5) Attendance rate as reported to the Department under section 2512 of the Public School Code (24 P. S. § 25-2512).
- (6) Industry certification examinations data.
- (7) Advanced placement course participation.

(8) Scholastic aptitude test and preliminary scholastic aptitude test data.

(d) *Building level score.* Comparable to 22 Pa. Code § 19.1(IV)(a), the Student Performance Rating shall be determined through conversion of the Building Level Score. The percentage weight given to each measure component contained in Appendix A will be utilized in Building Level Score computations using available data. The Department or its designee will provide the Building Level Score for each building within an LEA based on available data. Building Level Scores will be published annually on the Department’s website.

(e) *Student performance rating.* Each LEA shall utilize the conversions in Table F below to calculate the Student Performance Rating derived from the Building Level Score for each building with eligible building level data.

Table F: Conversion from 100 Point Scale to 0-3 Scale for Student Performance Rating	
<i>Building Level Score</i>	<i>0-3 Rating Scale*</i>
90.0 to 107	2.50-3.00
70.0 to 89.9	1.50-2.49
60.0 to 69.9	0.50-1.49
00.0 to 59.9	0.00-0.49

*The Department will publish the full conversion formula on its website.

LEAs shall add the Student Performance Rating to Parts (B)(2) and (C)(2) of the Rating Form.

(f) *Multiple building assignments.* If an NTPE performs professional work in two or more buildings where the NTPE is employed, the LEA will use measures from each building based on the percentage of the employee’s work performed in each building in calculating the whole 20% for this portion of the final rating.

(g) *Absence of Building Level Score.* For NTPEs employed in buildings for which there is no Building Level Score reported on the Department website, the LEA shall utilize the rating from the NTPE observation and practice portion of the rating form in Part (A)(1) in place of the Student Performance Rating.

(h) *Administrative action based on available data.* Nothing in these standards of use for student performance measures, this section or this chapter shall be

construed to limit or constrain the authority of the chief school administrator of an LEA to initiate and take action on a personnel matter, including dismissal of an NTPE, based on information and data available at the time of the action.

(V) Recordkeeping: Maintenance of Rating Tool Data, Records and Forms.

(a) *Records to be maintained.* It shall be the duty of the LEA to establish a permanent record system containing ratings for each employee within the LEA and copies of all her or his ratings for the year shall be transmitted to the employee upon her or his request; or if any rating during the year is unsatisfactory copy of same shall be transmitted to the employee concerned. No employee shall be dismissed for incompetency or unsatisfactory performance unless such rating records have been kept on file by the LEA.

(b) *Reporting of data restricted to aggregate results.* Pursuant to Section 1123(i) of the Public School Code 11-1123(i), LEAs shall provide to the Department the aggregate results of all NTPEs evaluations.

(c) *Confidentiality.* Each LEA shall maintain records in accordance with Section 708(b)(7) of the act of February 14, 2008 (P. L. 6, No. 3), known as the “Right-to-Know Law,” (65 P. S. § 67.708(b)(7)), and Sections 221(a)(1) and 1123(p) of the Public School Code (24 P. S. §§ 2-221(a)(1) and 11-1123(p)).

(VI) LEA alternative rating tool.

The Department will review at the request of an LEA an alternative rating tool that has been approved by the LEA governing board. The Department may approve for a maximum period of not more than five years any alternative rating tool that meets or exceeds the measures of effectiveness established under 24 P. S. § 11-1123.

APPENDIX A

Percentage Weights for Data Components/Indicators of the Building Level Score for the Educator Effectiveness Rating Tool

Appendix A contains the percentage weights assigned to data components for “building level data” and “student performance of all students in the school building” pursuant to section 1123 of the Public School Code (24 P. S. § 11-1123). The data components or indicators comprise the “building level score” for the professional employee or temporary professional employee rating form. The building level score is also the School Performance Profile for a school or building. For the purposes of this appendix, the term “building” shall mean a school or configuration of grades that is assigned a unique four-digit identification number by the Department unless the context clearly indicates otherwise.

<i>Components/Indicators</i>	<i>Building Configurations</i>				
	<i>K-12 Schools</i>	<i>Secondary Schools</i>	<i>Comprehensive CTCs¹</i>	<i>K-8 Schools with Grade 3</i>	<i>K-8 Schools w/out Grade 3</i>
<i>Academic Achievement (40%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent Proficient or Advanced on PSSA/Keystone Exam	7.50	7.50	4.75	7.50	10.00
Reading/Literature—Percent Proficient or Advanced on PSSA/Keystone Exam	7.50	7.50	4.75	7.50	10.00
Science/Biology—Percent Proficient or Advanced on PSSA/Keystone Exam	7.50	7.50	4.75	7.50	10.00
Writing—Percent Proficient or Advanced on PSSA	7.50	7.50	4.75	7.50	10.00
Industry Standards-Based Competency Assessments—Percent Competent or Advanced	2.50	5.00	25.00	Not Applicable	Not Applicable
Grade 3 Reading—Percent Proficient or Advanced on PSSA	2.50	Not Applicable	Not Applicable	10.00	Not Applicable
SAT/ACT College Ready Benchmark	7.50	7.50	4.75	7.50	10.00
<i>Closing the Achievement Gap—All Group (5%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
Reading/Literature—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
Science/Biology—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25

**Table 1: Building Level Score—All Building Configurations
School Years 2012-2013 and 2013-2014**

Components/Indicators	Building Configurations				
	K-12 Schools	Secondary Schools	Comprehensive CTCs ¹	K-8 Schools with Grade 3	K-8 Schools w/out Grade 3
Writing—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
<i>Closing the Achievement Gap—Historically Underperforming Students (5%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
Reading/Literature—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
Science/Biology—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
Writing—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
<i>Academic Achievement Factor Total</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>
<i>Academic Growth (40%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00
Reading/Literature—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00
Science/Biology—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00
Writing—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00
<i>Academic Growth Factor Total</i>	<i>40.00</i>	<i>40.00</i>	<i>40.00</i>	<i>40.00</i>	<i>40.00</i>
<i>Other Academic Indicators (10%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Cohort Graduation Rate or Promotion Rate ² (If No Graduation Rate)	2.50	2.50	2.50	5.00	5.00
Attendance	2.50	2.50	2.50	5.00	5.00
Advanced Placement (AP) or International Baccalaureate (IB) or College Credit	2.50	2.50	2.50	Not Applicable	Not Applicable
PSAT/Plan Participation	2.50	2.50	2.50	Not Applicable	Not Applicable
<i>Other Academic Indicators Factor Total</i>	<i>10.00</i>	<i>10.00</i>	<i>10.00</i>	<i>10.00</i>	<i>10.00</i>
<i>Overall Factor Total</i>	<i>100.00</i>	<i>100.00</i>	<i>100.00</i>	<i>100.00</i>	<i>100.00</i>
<i>Extra Credit for Advanced Achievement</i>	<i>Added Factor is 1% of each of the following except 2% for Advanced Placement:</i>				
Mathematics/Algebra I—PSSA/Keystone Exam	Percent of Students Advanced on Mathematics/Algebra I PSSA/Keystone Exam				
Reading/Literature—PSSA/Keystone Exam	Percent of Students Advanced on Reading/Literature PSSA/Keystone Exam				
Science/Biology—PSSA/Keystone Exam	Percent of Students Advanced on Science/Biology PSSA/Keystone Exam				
Writing—PSSA	Percent of Students Advanced on Writing PSSA				
Industry Standards-Based Competency Assessments	Percent of Students Advanced on Industry Standards-Based Competency Assessments				
Advanced Placement	Percent of Grade 12 Students Scoring 3 or higher on any one AP Exam (x2.5)				

Notes for Table 1:

¹ Comprehensive CTCs include full-time career technology centers and full-time area vocational-technical schools. Comprehensive CTC academic achievement is weighted at 44% while Closing the Achievement Gap is weighted at 3% for each group.

² Promotion rate is not included in 2012-2013 calculations; it will be included in subsequent years.

<i>Components/Indicators¹</i>	<i>Building Configurations</i>				
	<i>K-12 Schools</i>	<i>Secondary Schools</i>	<i>Comprehensive CTCs²</i>	<i>K-8 Schools with Grade 3</i>	<i>K-8 Schools w/out Grade 3</i>
<i>Academic Achievement (40%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent Proficient or Advanced on PSSA/Keystone Exam	7.50	7.50	4.75	7.50	10.00
English Language Arts/Literature—Percent Proficient or Advanced on PSSA/Keystone Exam	15.00	15.00	9.50	15.00	20.00
Science/Biology—Percent Proficient or Advanced on PSSA/Keystone Exam	7.50	7.50	4.75	7.50	10.00
Industry Standards-Based Competency Assessments—Percent Competent or Advanced	2.50	5.00	25.00	Not Applicable	Not Applicable
Grade 3 English Language Arts—Percent Proficient or Advanced on PSSA	2.50	Not Applicable	Not Applicable	10.00	Not Applicable
SAT/ACT College Ready Benchmark	5.00	5.00	Not Applicable	Not Applicable	Not Applicable
<i>Closing the Achievement Gap—All Group (5%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
English Language Arts/Literature—Percent of Required Gap Closure Met	2.50	2.50	1.50	2.50	2.50
Science/Biology—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
<i>Closing the Achievement Gap—Historically Underperforming Students (5%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
English Language Arts/Literature—Percent of Required Gap Closure Met	2.50	2.50	1.50	2.50	2.50
Science/Biology—Percent of Required Gap Closure Met	1.25	1.25	0.75	1.25	1.25
<i>Academic Achievement Factor Total</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>	<i>50.00</i>
<i>Academic Growth (40%)</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>	<i>% Factor</i>
Mathematics/Algebra I—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00
English Language Arts/Literature—Meeting Annual Academic Growth Expectations	20.00	20.00	20.00	20.00	20.00
Science/Biology—Meeting Annual Academic Growth Expectations	10.00	10.00	10.00	10.00	10.00

**Table 2: Building Level Score—All Building Configurations
School Year 2014-2015 and Thereafter**

Components/Indicators ¹	Building Configurations				
	K-12 Schools	Secondary Schools	Comprehensive CTCs ²	K-8 Schools with Grade 3	K-8 Schools w/out Grade 3
Academic Growth Factor Total	40.00	40.00	40.00	40.00	40.00
Other Academic Indicators (10%)	% Factor	% Factor	% Factor	% Factor	% Factor
Cohort Graduation Rate or Promotion Rate ³ (If No Graduation Rate)	2.50	2.50	2.50	5.00	5.00
Attendance	2.50	2.50	2.50	5.00	5.00
Advanced Placement (AP) or International Baccalaureate (IB) or College Credit	2.50	2.50	2.50	Not Applicable	Not Applicable
PSAT/Plan ⁴ Participation	2.50	2.50	2.50	Not Applicable	Not Applicable
Other Academic Indicators Factor Total	10.00	10.00	10.00	10.00	10.00
Overall Factor Total	100.00	100.00	100.00	100.00	100.00
Extra Credit for Advanced Achievement	Added Factor is 1% of each of the following except 2% for English Language Arts/Literature and Advanced Placement:				
Mathematics/Algebra I—PSSA/Keystone Exam	Percent of Students Advanced on Mathematics/Algebra I PSSA/Keystone Exam				
English Language Arts/Literature—PSSA/Keystone Exam	Percent of Students Advanced on English Language Arts/Literature PSSA/Keystone Exam				
Science/Biology—PSSA/Keystone Exam	Percent of Students Advanced on Science/Biology PSSA/Keystone Exam				
Industry Standards-Based Competency Assessments	Percent of Students Advanced on Industry Standards-Based Competency Assessments				
Advanced Placement	Percent of Grade 12 Students Scoring 3 or higher on any one AP Exam (x2.5)				

Notes for Table 2:

¹ Previous factor weightings assigned to Writing are included in English Language Arts/Literature factor weightings.

² Comprehensive CTCs include full-time career technology centers and full-time area vocational-technical schools. Comprehensive CTC academic achievement is weighted at 44% while Closing the Achievement Gap is weighted at 3% for each group.

³ Promotion rate is not included in 2012-2013 calculations; it will be included in subsequent years.

⁴ Plan will be replaced by ACT Aspire when ACT Aspire is fully operational.

[Pa.B. Doc. No. 14-1244. Filed for public inspection June 13, 2014, 9:00 a.m.]

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CH. 78] Oil and Gas Well Fee Amendments

The Environmental Quality Board (Board) amends §§ 78.1 and 78.19 (relating to definitions; and permit application fee schedule) to read as set forth in Annex A. These amendments satisfy the obligation of the Department of Environmental Protection (Department), as specified in § 78.19(f), to provide the Board with an evaluation of the Chapter 78 fees and recommend regulatory changes to address any disparity between Oil and Gas Program (Program) income generated by the fees and the Department's cost of administering the Program. These amendments include several changes to the structure of oil and gas well permit fees, including establishing

increased flat fees for unconventional well permits.

This final-form rulemaking was adopted by the Board at its meeting of January 21, 2014.

A. Effective Date

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

B. Contact Persons

For further information, contact Kurt Klapkowski, Director, Bureau of Oil and Gas Planning and Program Management, Rachel Carson State Office Building, 15th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199; or Trisha Salvia, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department's web site at www.dep.state.pa.us (DEP Search/Keyword: EQB).

C. Statutory Authority

The final-form rulemaking is adopted under the authority of 58 Pa.C.S. § 3274 (relating to regulations), which directs the Board to adopt regulations necessary to implement 58 Pa.C.S. Chapter 32 (relating to development), 58 Pa.C.S. § 3211(d) (relating to well permits), which authorizes the Board to establish permit fees that bear a reasonable relationship to the cost of administering 58 Pa.C.S. Chapter 32, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which authorizes the Board to promulgate regulations of the Department.

D. Background of the Final-Form Rulemaking

Applicants for permits to drill oil and gas wells in this Commonwealth shall pay the permit fee established by the Board. These permits fees fund the entire operation of the Department's Office of Oil and Gas Management (Oil and Gas Program), which is responsible for Statewide oil and gas conservation and environmental programs to facilitate the safe exploration, development and recovery of oil and gas reservoirs in this Commonwealth in a manner that will protect this Commonwealth's natural resources, the environment and public health, safety and welfare. The permit fees are placed in the Well Plugging Fund.

The Department prepared and presented to the Board a 3-Year Regulatory Fee and Program Cost Analysis Report (Report) as part of this final-form rulemaking. A copy of the Report is available from the persons listed in Section B. The conclusions of the Report are outlined as follows.

The Well Plugging Fund balance is declining as the Department's expenses to operate the Program have exceeded permit fee revenues for the past several fiscal years. Fiscal Year (FY) 2011-12 revenues totaled \$13.5 million and expenditures exceeded \$16.6 million. The Program is projected to have increasing expenditures with declining revenues in future fiscal years, which will continue to deplete the existing Well Plugging Fund reserves. At current permit fee and expenditure levels, with projected permitting levels, the Well Plugging Fund will be insufficient to maintain the operations of the Program through FY 2015-16.

In addition to declining Well Plugging Fund balances, the Program is facing increasing operational expenditures due to increased activity in the area of oil and gas exploration associated with previously unexplored unconventional gas formations, as well as the development of natural gas infrastructure throughout this Commonwealth. These expenditures are only expected to increase as exploration of other unconventional formations and infrastructure development expands.

These amendments increase the well permit fee to provide adequate revenue to support the ongoing operations of the Program as well as to meet future Program needs, including permitting, inspection, enforcement and information technology needs. Compounding the problem of declining funds due to increasing expenditures is the decrease of well permit applications. Since 2010, the Department has experienced a year-over-year decrease in the number of unconventional well permit applications received. The decline in permit applications is met with declining revenues but with the passage of the act of February 2, 2012 (P.L. 67, No. 9) (Act 9) and the act of February 14, 2012 (P.L. 87, No. 13) (Act 13), the overall responsibility of the Program has increased. It is imperative that the Department has the resources and technology necessary to ensure industry compliance and environ-

mental protection as Office of Oil and Gas Management responsibilities in this area continue to expand.

This increase in workload coupled with declining permit revenues creates a situation where the incoming permit revenue is insufficient to cover the current operational costs of the Program, not allowing any room for flexibility in terms of future staff and resource needs. As the oil and gas industry continues to expand in this Commonwealth, additional Department staff and technology will be critical to ensure the Department's proper oversight of the industry.

Two areas where this increased workload and expenditures make this permit fee increase critical are streamlined electronic review and staffing.

Streamlined electronic review

The Department will allocate a substantial portion of the increased fee revenue to information technology projects for the Program, such as electronic permitting, mobile digital inspections, upgrades to existing reporting systems and modernization of forms and databases. This investment in technology will yield efficiencies for both the Department and the regulated community in terms of more predictable and timely permit issuance, more effective site inspections, increased availability of staff for compliance assistance, and more streamlined reporting to and communication with the Department. It will also make the Department's work more transparent to the public as electronic documents can be easily made available on the Internet. The two key initiatives on the forefront of information technology priorities for the Department are the ePermitting initiative and enabling staff with devices and the capability to conduct mobile digital inspections.

The ePermitting system will provide the ability to process applications for oil and gas permits online. The new system will replace the manual process that requires applicants to complete paper forms and deliver multiple copies of documentation to a Department district office. This change should reduce data transcription errors from entering data on paper forms into the Department's databases. The new ePermitting system is designed to increase review efficiency through electronic workflow and to significantly decrease the time from initial application submission to permit issuance. It will enable applicants to submit online payment and provide for permit review transparency as an applicant will be able to closely follow a permit through the approval process and receive automatic notifications as it completes the outlined benchmarks. Upon approval, the system will deliver the permit electronically to the applicant, thereby eliminating the lag time from permit issuance to receipt by the applicant.

Electronic receipt and storage of the permitting documents will also result in significant savings in terms of storage and of staff time and costs associated with related Right-to-Know requests. The Department is second in the Commonwealth in terms of Right-to-Know requests, much of which is attributed to the Program. The public will enjoy greater access to timely data as the Department receives it.

Creation and deployment of a mobile digital inspection platform and mobile devices will create marked improvement and efficiencies in terms of how the organization conducts site inspections. Current paper based inspection forms necessitate staff spending at least 1 day a week in the office to manually enter data from paper inspection reports and mail the resulting inspection report and

findings to operators. Mobile digital inspections will allow entry of data into the system while onsite, eliminate the need to return to the office for data entry and enable employees to spend their time where they are needed, on location for inspections and compliance assistance.

Staffing needs

Currently, there are 202 full time equivalents (FTE) assigned to the Office of Oil and Gas Management. The Program has grown considerably; in 2004 the Program had 64 FTEs. Approximately 80% of the current staff is assigned to engineering, scientific or permit/inspection-related work, as oil and gas inspectors or oil and gas inspector supervisors. Another 20% are assigned to clerical, administrative or legal work to support the Program.

The Department is proposing that additional positions are needed within the Office of Oil and Gas Management to implement the additional responsibilities required under 58 Pa.C.S. Chapter 32 to review well pad and pipeline development permit applications in an efficient and timely manner and to support the Bureau of Oil and Gas Planning and Program Management.

Chapter 32 of 58 Pa.C.S. comprehensively amended the Oil and Gas Act of 1984 (repealed) and established a number of new responsibilities on the oil and gas industry as well as the Department. Under 58 Pa.C.S. Chapter 32, the Department must inspect well sites before drilling can begin and well drillers must now notify the Department prior to cementing all strings of casing and before hydraulic fracturing operations begin. These new requirements have stretched thin the current staff and therefore necessitate additional inspectors to fulfill the increased inspection requirements and expectations of 58 Pa.C.S. Chapter 32. Absent additional inspection staff, well sites will not be inspected at the frequency envisioned by 58 Pa.C.S. Chapter 32.

In addition to responding to new requirements, additional staff is needed to timely review the increase in permits received by the Department due to substantial natural gas infrastructure development throughout this Commonwealth. Failure to review permit applications within a reasonable time period can result in substantial cost increases for these projects and ultimately prevents natural gas from reaching consumers, thus increasing commodity costs.

Finally, as a result of the Department's 2011 reorganization, the Office of Oil and Gas Management was created to unify the planning and program management staff with the permitting, inspection and enforcement staff under a common Deputate. As a result of this reorganization, additional staff is necessary to support the Office of Oil and Gas Management's Bureau of Oil and Gas Planning and Program Management. These additional staff will enable the Office of Oil and Gas Management to better develop new regulations, policies and technical guidance documents pertaining to well construction and surface activities on a timely basis. Failure to promptly develop these rules and policies can lead to uncertainty and inconsistent application of 58 Pa.C.S. Chapter 32. Additional staff will better serve the public as well as the industry by making more transparent how the Department interprets and implements 58 Pa.C.S. Chapter 32.

Without additional revenue provided by a regulatory fee package, additional staff complement will not be possible, which will jeopardize the Department's ability to provide high quality compliance assistance, ensure timely permitting, ensure adequate inspection and enforcement opera-

tions, and leverage existing technology to streamline inspection and permitting activities.

The Department consulted with the Oil and Gas Technical Advisory Board (TAB) in the development of the proposed rulemaking. The Department presented the draft proposed rulemaking to TAB at its April 23, 2013, meeting. Because the proposed rulemaking did not address technical issues relating to oil and gas, TAB did not take a formal action relative to the proposed rulemaking.

E. Summary of Regulatory Requirements

Former fee structure

The permit fee structure is outlined in § 78.19. Former § 78.19 established three classes of wells. Two were based on the type of wellbore that were used to produce oil or natural gas—vertical or nonvertical (deviated or horizontal) and the third was based on the Marcellus Shale being the target formation. Permit fees for an individual well were determined by use of a sliding scale based on the total well bore length in feet. The sliding scales for the nonvertical and Marcellus wells were identical and were roughly two to three times the fee paid for a vertical well of the same total well bore length. As an example, an applicant requesting a permit for a 5,000-foot vertical well paid a fee of \$550, while an applicant for a nonvertical or Marcellus Shale well of the same well bore length paid \$1,600. The current average nonvertical unconventional well permit fee is approximately \$3,200 and the current average vertical unconventional well permit fee is \$2,900.

Amended fee structure

The final-form rulemaking amends § 78.19 to create two classes of wells for permit fee purposes. These classes are “conventional wells” and “unconventional wells.” These amendments follow the general structure of 58 Pa.C.S. Chapter 32, which established the “conventional vs. unconventional well” distinction in a number of different areas. For example, 58 Pa.C.S. § 3215 (relating to well location restrictions) establishes differing setback requirements for the two classes of wells and 58 Pa.C.S. § 3218 (relating to protection of water supplies) establishes differing presumptions of liability for the two classes of wells.

It is important to be clear that the final-form rulemaking does not include any changes to the current permit fee structure for applicants for permits to drill “conventional” oil and gas wells. Although “conventional” wells and formations are not defined in 58 Pa.C.S. § 3203 (relating to definitions), the amendments to § 78.1 define those terms with reference to definitions in 58 Pa.C.S. § 3203 of “unconventional well” and “unconventional formation.”

By reviewing the “unconventional” definitions, “conventional wells” include: (1) any wells drilled to produce oil; (2) wells drilled to produce natural gas from formations other than shale formations; (3) wells drilled to produce natural gas from shale formations located above the base of the Elk Group or its stratigraphic equivalent; and (4) wells drilled to produce natural gas from shale formations located below the base of the Elk Group where natural gas can be produced at economic flow rates or in economic volumes without the use of vertical or nonvertical well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore. For permit applicants to drill these wells, these amendments do not have any impact.

Permit applicants for conventional wells will not see an impact from these amendments because the final-form rulemaking retains the current “vertical well” fee structure as the new “conventional well” fee structure. Typically, “conventional wells,” as defined in this final-form rulemaking, would pay the “vertical well” fee if permitted prior to these amendments taking effect.

For “unconventional nonvertical wells” and “unconventional vertical wells,” these amendments establish flat permit fees of \$5,000 and \$4,200, respectively, regardless of the total well bore length of the well. The Department determined that this increase will enable the Department to operate the Program in the manner contemplated by the current rules and regulations, as well as undertake the initiatives previously described.

F. Summary of Comments and Responses on the Proposed Rulemaking and Changes to the Proposed Rulemaking

The Board received comments from six commentators during the 30-day public comment period. The Independent Regulatory Review Commission (IRRC) also commented on the proposed rulemaking.

The comments received on the proposed rulemaking are summarized in this section and are more extensively addressed in a Comment and Response Document which is available from the Department.

Four commentators, including the Pennsylvania Independent Oil and Gas Association and IRRC, suggested adding more detail to the proposed definition of “conventional well.” This suggestion was accepted and final-form § 78.1 contains additional detail.

Two commentators explicitly supported the concept of fee increases, with one requesting that the fee be doubled above what was proposed. One commentator was opposed to fee increases to support staffing increases until the Department’s electronic permitting initiative is in place and the efficiencies gained from that development can be assessed. This comment fails to acknowledge the additional responsibilities placed on the Department by Acts 9 and 13 as well as the expanding universe of regulated oil and gas wells (more wells are permitted and drilled each year than are plugged so the regulated universe continues to expand), as well as the infrastructure development oversight carried out by the Office of Oil and Gas Management. As previously noted, the Department has conducted a thorough analysis of the Program’s current resources and expenditures, as well as future requirements necessary to carry out the Program’s responsibilities under Commonwealth statutes and believes that the fee and staff increases are adequate given the Program’s needs.

G. Benefits, Costs and Compliance

Benefits

The increased oil and gas permit fee revenue would be used to adequately fund the Department’s Office of Oil and Gas Management. Revenue to the Department from the fee increase would be used solely to operate the regulatory program overseeing the responsible development of this Commonwealth’s oil and natural gas resources. In addition, the Department will be able to pursue streamlined electronic review initiatives and increase the Office of Oil and Gas Management staffing levels to meet the challenges of increased responsibilities and timely oversight, responsiveness and transparency. Finally, these amendments reduce the burden on the regulated community and the Department because the

sliding scale permit fees, which require proper calculation and review, are replaced with flat fees that are easy to understand and implement.

Compliance Costs

Nonvertical unconventional wells

The average permit fee paid for a nonvertical unconventional well or Marcellus Shale well during 2012 was approximately \$3,200 per well. The amendments establish a fixed \$5,000 fee for each nonvertical unconventional well which is an increase of \$1,800 per well. The Department projects that approximately 2,600 well permit applications will be received annually following the effective date of this final-form rulemaking. This would result in an additional annual incremental permit cost of \$4.68 million to the regulated community.

Vertical unconventional wells

The amendments establish a fixed \$4,200 fee for each vertical unconventional well. The Department projects that approximately 80 well permit applications for vertical unconventional wells will be received annually following the effective date of this final-form rulemaking. This would result in an additional annual incremental permit cost of \$104,000 to the regulated community.

No new legal, accounting or consulting procedures are required.

Compliance Assistance Plan

The Department plans to educate and assist the public and regulated community in understanding these amendments and how to comply with them. This outreach initiative will be accomplished through the Department’s ongoing compliance assistance program. Permit application forms and instructions have been amended to reflect the new permit fee structure.

Paperwork Requirements

There are no additional paperwork requirements associated with these amendments with which the industry would need to comply.

H. Pollution Prevention

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The anticipated increased revenues would allow the Department to continue providing adequate oversight of the oil and gas industry in this Commonwealth, ensuring continued protection of the environment and the public health and welfare of the citizens of this Commonwealth.

I. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended. In addition, in accordance with § 78.19(f), the Department will evaluate these fees and recommend regulatory changes to the Board to address any disparity between the Program

income generated by the fees and the Department's cost of administering the Program with the objective of ensuring fees meet all Program costs and programs are self-sustaining. This report and any proposed regulatory changes will be presented to the Board no later than 3 years after the effective date of this final-form rulemaking.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 4, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 5457 (September 14, 2013), to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees 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 April 30, 2014, 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 1, 2014, and approved the final-form rulemaking.

K. Findings

The Board finds that:

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

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 5457.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

L. Order

The Board, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 25 Pa. Code Chapter 78, are amended by amending §§ 78.1 and 78.19 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

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

(e) This order shall take effect immediately.

E. CHRISTOPHER ABRUZZO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2965 (May 17, 2014).)

Fiscal Note: Fiscal Note 7-483 remains valid for the final adoption of the subject regulations.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 78. OIL AND GAS WELLS

Subchapter A. GENERAL PROVISIONS

§ 78.1. Definitions.

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

* * * * *

Conductor pipe—A short string of large-diameter casing used to stabilize the top of the wellbore in shallow unconsolidated formations.

Conventional formation—A formation that is not an unconventional formation.

Conventional well—

(i) A bore hole drilled or being drilled for the purpose of or to be used for construction of a well regulated under 58 Pa.C.S. §§ 3201—3274 (relating to development) that is not an unconventional well, irrespective of technology or design.

(ii) The term includes, but is not limited to:

(A) Wells drilled to produce oil.

(B) Wells drilled to produce natural gas from formations other than shale formations.

(C) Wells drilled to produce natural gas from shale formations located above the base of the Elk Group or its stratigraphic equivalent.

(D) Wells drilled to produce natural gas from shale formations located below the base of the Elk Group where natural gas can be produced at economic flow rates or in economic volumes without the use of vertical or nonvertical well bores stimulated by hydraulic fracture treatments or multilateral well bores or other techniques to expose more of the formation to the well bore.

(E) Irrespective of formation, wells drilled for collateral purposes, such as monitoring, geologic logging, secondary and tertiary recovery or disposal injection.

Deepest fresh groundwater—The deepest fresh groundwater bearing formation penetrated by the wellbore as determined from drillers logs from the well or from other wells in the area surrounding the well or from historical

records of the normal surface casing seat depths in the area surrounding the well, whichever is deeper.

* * * * *

L.E.L.—Lower explosive limit.

Noncementing material—A mixture of very fine to coarse grained nonbonding materials, including unwashed crushed rock, drill cuttings, earthen mud or other equivalent material approved by the Department.

* * * * *

Nonvertical unconventional well—

(i) An unconventional well drilled intentionally to deviate from a vertical axis.

(ii) The term includes wells drilled diagonally and wells that have horizontal bore holes.

* * * * *

Vertical unconventional well—An unconventional well with a single vertical well bore.

* * * * *

Subchapter B. PERMITS, TRANSFERS AND OBJECTIONS

PERMITS AND TRANSFERS

§ 78.19. Permit application fee schedule.

(a) An applicant for a conventional well shall pay a permit application fee according to the following schedule:

Conventional Wells

<i>Total Well Bore Length in Feet</i>	<i>Total Fee</i>
0 to 2,000	\$250
2,001 to 2,500	\$300
2,501 to 3,000	\$350
3,001 to 3,500	\$400
3,501 to 4,000	\$450
4,001 to 4,500	\$500
4,501 to 5,000	\$550
5,001 to 5,500	\$650
5,501 to 6,000	\$750
6,001 to 6,500	\$850
6,501 to 7,000	\$950
7,001 to 7,500	\$1,050
7,501 to 8,000	\$1,150
8,001 to 8,500	\$1,250
8,501 to 9,000	\$1,350
9,001 to 9,500	\$1,450
9,501 to 10,000	\$1,550
10,001 to 10,500	\$1,650
10,501 to 11,000	\$1,750
11,001 to 11,500	\$1,850
11,501 to 12,000	\$1,950

(b) An applicant for a conventional well exceeding 12,000 feet in total well bore length shall pay a permit application fee of \$1,950 + \$100 for every 500 feet the well bore extends over 12,000 feet. Fees shall be rounded to the nearest 500-foot interval under this subsection.

(c) An applicant for an unconventional well shall pay a permit application fee according to the following:

(1) \$4,200 for a vertical unconventional well.

(2) \$5,000 for a nonvertical unconventional well.

(d) If, when drilled, the total well bore length of the conventional well exceeds the length specified in the permit application due to target formation being deeper than anticipated at the time of application submittal, the operator shall pay the difference between the amount paid as part of the permit application and the amount required under subsections (a) and (b).

(e) An applicant for a conventional well with a well bore length of 1,500 feet or less for home use shall pay a permit application fee of \$200.

(f) At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.

[Pa.B. Doc. No. 14-1245. Filed for public inspection June 13, 2014, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 54]

[L-2014-2409385]

Disclosure Statement for Residential and Small Business Customers; Notices of Contract Expiration or Changes in Terms for Residential and Small Business Customers

The Pennsylvania Public Utility Commission (Commission), on April 3, 2014, adopted a final-omitted rule-making order amending regulations regarding disclosure statements for residential and small business customers, and adding § 54.10 (relating to notice of contract expiration or change in terms for residential and small business customers).

Executive Summary

The Commission adopts this Final-Omitted Rulemaking Order to amend our customer information regulations at 52 Pa. Code § 54.5 and add regulations at 52 Pa. Code § 54.10 providing for a disclosure statement for residential and small business customers and providing for the provision of notices of contract expiration or changes in terms for residential and small business customers. With this Final-Omitted Rulemaking Order, the Commission enhances these rules to guarantee ample customer protections are in place and that customers are provided with the necessary information to make informed decisions when shopping in Pennsylvania's competitive retail electricity market. As such, the Commission is amending its regulations to ensure, among other things, that future EGS disclosure statements include an EGS Contract Summary of key contractual terms and conditions; additional information regarding variable-priced products, including disclosure of the price to be charged for the first billing cycle of generation service, customer access to historical information and a more specific explanation of limits on variability.

Public Meeting held
April 3, 2014

Commissioners Present: Robert F. Powelson, Chairperson;
John F. Coleman, Jr., Vice Chairperson; James H.
Cawley; Pamela A. Witmer; Gladys M. Brown

*Rulemaking to Amend the Provisions of 52 Pa. Code,
Section 54.5 Regulations Regarding Disclosure Statement
for Residential and Small Business Customers and to Add
Section 54.10 Regulations Regarding the Provision of
Notices of Contract Expiration or Changes in Terms for
Residential and Small Business Customers;
L-2014-2409385*

Final-Omitted Rulemaking Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) adopts this Final-Omitted Rulemaking Order to amend our customer information regulations at 52 Pa. Code § 54.5 and add regulations at 52 Pa. Code § 54.10 providing for a disclosure statement for residential and small business customers and providing for the provision of notices of contract expiration or changes in terms for residential and small business customers. The existing regulations at 52 Pa. Code §§ 54.1—54.9 require that electric generation suppliers (EGSs) enable customers to make informed choices regarding the purchase of electricity offered by providing adequate and accurate customer information in an understandable format, including rules regarding the disclosure of contract terms and conditions. Section 54.5 directs EGSs to provide residential and small business customers with a disclosure statement containing written terms and conditions including, but not limited to: pricing information, length of agreement, cancellation provisions, penalties, and an explanation of any bonuses or incentives. See 52 Pa. Code § 54.5.

With this Final-Omitted Rulemaking Order, the Commission enhances these rules to guarantee ample customer protections are in place and that customers are provided with the necessary information to make informed decisions when shopping in Pennsylvania's competitive retail electricity market. As such, the Commission is amending its regulations to ensure, among other things, that future EGS disclosure statements include an EGS Contract Summary of key contractual terms and conditions; additional information regarding variable-priced products, including disclosure of the price to be charged for the first billing cycle of generation service, customer access to historical information and a more specific explanation of limits on variability.

The Commission has also added a new section to Chapter 54, 52 Pa. Code § 54.10, which provides the notice provisions EGSs must follow before expiration or changing the terms of a residential or small business customer's contract. Specifically, this new section directs EGSs to provide two notices, the first to be issued between 45 and 60 days before the expiration or change in terms of the contract and the second to be issued no less than 30 days before the expiration or change in terms of the contract. These notices will provide customers with information regarding their option to stay with their existing EGS, to purchase generation supply from a different EGS or to return to default service.

For the reasons more fully explained herein, the Commission finds good cause that undergoing the traditional notice and comment procedures for these regulations is impracticable, unnecessary, and contrary to the public interest. See 45 P. S. § 1204(3). In light of the record-

breaking recent wave of informal and formal complaints filed with the Commission concerning energy price increases in January 2014, the Commission believes it is essential to the public interest to act promptly and expeditiously to amend its regulations to require EGSs to provide more sufficient disclosures and notices to customers regarding products offered in the retail electric market. Accordingly, for good cause, we issue this Final-Omitted Rulemaking Order to amend our regulations at 52 Pa. Code § 54.5 and add regulations at 52 Pa. Code § 54.10 in order to ensure that residential and small business consumers receive adequate disclosures and notices when shopping for electricity in the Commonwealth.

Background

The Public Utility Code requires EGSs to provide adequate and accurate information to customers. See 66 Pa.C.S. § 2807(d)(2). Specifically, Section 2807(d)(2) requires the Commission to:

[E]stablish regulations to require each electric distribution company, electricity supplier, marketer, aggregator and broker to provide adequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity service offered by that provider. Information shall be provided to consumers in an understandable format that enables consumers to compare prices and services on a uniform basis.

66 Pa.C.S. § 2807(d)(2).

Pursuant to this statutory directive, the Commission first promulgated regulations in 1998 to enable customers to make informed choices when purchasing electricity generation. See 52 Pa. Code §§ 54.1—54.9 (relating to customer information). The regulations at 52 Pa. Code §§ 54.4—54.6 (relating to the bill format and disclosure statements for residential and small business customers and to requests for information about generation supply) were later amended in 2007, after receiving and incorporating comments from numerous stakeholders.

In 2010, the Commission adopted Interim Guidelines which provided general guidance on the timing and content of advanced notifications that give customers important information about their options prior to the expiration of or a change in terms of their current contract for generation supply. Interim Guidelines Regarding Advance Notification by an Electric Generation Supplier of Impending Changes Affecting Customer Service; Amendment re: Supplier Contract Renewal/Change Notices (Interim Guidelines), Final Order, at Docket Nos. M-2010-2195286 and M-0001437 (entered Sep. 23, 2010).

With this Final-Omitted Rulemaking, the Commission specifically examines and updates 52 Pa. Code § 54.5 regarding disclosure statements for residential and small business customers. This Section requires that EGSs provide disclosure statements to residential and small business customers when those customers request an EGS to initiate service; when an EGS proposes to change the terms of service; or when service commences from a default service provider. See 52 Pa. Code §§ 54.5(b)(1—3). These disclosure statements must include, among other things: the generation charges; conditions of and any applicable limitations on variable prices; explanations of cancellation fees; and information regarding a customer's options upon the expiration of a fixed term agreement. See Annex A, § 54.5.

Additionally, in this Final-Omitted Rulemaking, the Commission seeks to add a new section outlining require-

ments for EGSs to provide notices to residential and small business customers when a fixed term contract is expiring or when an EGS is proposing to change the terms of a contract. See Annex A, § 54.10.

History of the Commission's Review of Its Customer Information Regulations

In September of 2010, the Commission reviewed its customer information regulations and provided Interim Guidelines, as noted previously. In its Interim Guidelines, the Commission provided general guidance on the timing and content of advanced notifications that give customers important information about their options prior to the expiration of or a change in terms of their current contract for generation supply.

Section 54.5(g) of the Commission's regulations currently states that an EGS must send a notice to alert a customer about the pending expiration or a change in terms of a contract for electric generation. This Section reads as follows:

(g) Disclosure statements must include the following customer notification:

(1) "If you have a fixed term agreement with us and it is approaching the expiration date or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us in each of our last three bills for supply charges or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes. We will explain your options to you in these three advance notifications."

52 Pa. Code § 54.5(g)(1).

According to the Interim Guidelines, an "Initial Notice" is to be provided to a customer between 52 and 90 days before a contract expires or before a change in contract terms takes effect, and is to include a general description of the proposed changes to the terms of service; the effective date of the change; and the reason for the change(s). Additionally, this Initial Notice is to explain that a customer will receive a second notice with more details, including an explanation of the customer's options. See Interim Guidelines at Appendix A, Section II(a).

A second notice (the "Options Notice") is to be provided to the customer at least 45 days prior to the expiration or a change in terms of the contract. The Options Notice is to include the specific changes to the terms of service being proposed; information on new prices; an explanation of the customer's options and how to exercise those options; the date by which the customer must exercise one of the options; the telephone numbers and website addresses for the Commission and the Office of Consumer Advocate (OCA); and the electric distribution company's (EDC's) Price To Compare (PTC). See Interim Guidelines at Appendix A, Section II(b).

During the winter of 2014, numerous retail electric customers with variable-rate contracts experienced sharp price increases resulting from price fluctuations in the wholesale and retail electricity markets. In light of this and after a renewed review of the Interim Guidelines adopted over three years ago, the Commission finds that codifying, strengthening, and augmenting those guidelines as expeditiously as possible is in the public interest. Through this Final-Omitted Rulemaking Order, the Commission seeks to promulgate regulations, as soon as practicable, to require EGSs to provide stronger disclosures that contain more concise, transparent terms and conditions, especially concerning variable-rate products.

Recently, the Commission sought from its Office of Competitive Market Oversight (OCMO), recommendations on how to provide shopping customers with a disclosure statement that contains more concise, transparent terms and conditions, especially concerning variable-rate products, and how to provide greater clarity of customers' rights and responsibilities when shopping for electricity generation supply. In an Order adopted at its February 20, 2014 Public Meeting, the Commission reaffirmed the General Assembly's directive that EGSs provide:

... [A]dequate and accurate customer information to enable customers to make informed choices regarding the purchase of all electricity services offered by the provider. Information shall be provided to consumers in an understandable format that enables consumers to compare prices and services on a uniform basis.

Review of Rules, Policies and Consumer Education Measures Regarding Variable Rate Retail Electric Products, Docket No. M-2014-2406134, (Order entered Mar. 4, 2014) (Variable Rate Order) at 4-5, citing 66 Pa.C.S. § 2807(d).

In the Variable Rate Order, the Commission expressed particular concern for customers receiving their electric supply service from an EGS under a contract with a monthly adjusted variable rate. As indicated supra, many of these customers experienced sharp increases in their monthly bills during the early months of 2014 due to the demands of the winter heating season and unprecedented price spikes in the wholesale electricity market. While acknowledging that it is important for consumers to carefully review the terms of their contracts, including conditions of variability, the Commission believes that EGSs must take further steps to ensure that customers can easily find and understand information related to price, price variability and history, cancellation fees, renewal notices, and other terms and conditions.

Additionally, in the Variable Rate Order, the Commission outlined measures it had immediately undertaken following the events of early 2014. Specifically, Commission staff initiated the following measures to help ensure that consumers are more informed about variable rate products:

- Posting of a "consumer alert" as a slider on the Commission's website at www.puc.pa.gov informing customers that they may see price fluctuations if enrolled in a variable-priced contract and provided a number of steps a customer should take to become more aware of their options;
- Posting of an abridged version of the "consumer alert" referenced above on the Commission's www.PaPowerSwitch.com website;
- Reissuing the Commission's January 31, 2014 press release noting information on the Commission's website and PaPowerSwitch.com;
- Development of a separate page on www.PaPowerSwitch.com outlining the difference between fixed and variable-priced contracts;
- Development of a fact sheet regarding fixed versus variable rates; and,
- Addition of a fixed versus variable question-and-answer ("Q&A") on the Commission's "Shopping for Electricity" fact sheet and on www.PaPowerSwitch.com.

In an effort to obtain feedback from stakeholders on the proposed changes to our Disclosure Regulations included in this Final-Omitted Rulemaking Order, the Commission

issued a Secretarial Letter on March 19, 2014, alerting affected parties of the intention to promulgate a Final-Omitted Rulemaking that would amend existing Regulations at 52 Pa. Code, Chapter 54, to revise disclosure statement requirements for residential and small business customers. Rulemaking to Amend the Provisions of 52 Pa. Code, Section 54.5 Regulations Regarding Disclosure Statement for Residential and Small Business Customers and to Add Section 54.10 Regulations Regarding the Provision of Notices of Contract Renewal or Changes in Terms, Docket No. L-2014-2409385, (Secretarial Letter served Mar. 19, 2014) (Secretarial Letter). This Secretarial Letter noted that while some amendments would codify, with modifications, existing contract renewal/change in terms notice requirements contained in the Interim Guidelines, other changes raise new issues that had not previously been considered. As a result, the Commission requested comments on its proposed regulations in order to give an opportunity for those entities most affected to provide recommendations prior to the issuance of this Final-Omitted Rulemaking Order.

In response to the March 19, 2014 Secretarial Letter, the Commission received comments related to these and other issues regarding the effect the proposed amendments would have on the Commission's existing regulations and EGS operations. Comments were filed by the following parties: Pennsylvania Representatives Robert W. Godshall and Peter J. Daley (Representatives Godshall and Daley); the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), Citizen Power, UGI Energy Services, LLC (UGIES), Washington Gas Energy Services, Inc. (WGES), Constellation NewEnergy, Inc. (CNE) and Constellation Energy Power Choice, Inc. (formerly MXenergy Electric, Inc.) (CEPCI) (collectively, Constellation), IGS Energy (IGS), the Retail Energy Supply Association (RESA), NRG Retail Northeast Companies¹ (NRG), Alphabuyer, the National Energy Marketers Association (NEM), and FirstEnergy Solutions Corp. (FES).

On March 18, 2014, Pennsylvania Senators Robert M. Tomlinson and Lisa M. Boscola (Senators Tomlinson and Boscola) sent to the Commission a letter notifying us that they had received numerous complaints from constituents enrolled in variable-priced contracts. These complaints were specifically in regard to high electric bills caused by retail electric rates spikes over this past winter. Additionally, the letter stated that Senators Tomlinson and Boscola had also received constituent complaints about being unknowingly placed on a variable-priced plan at the end of a fixed-term contract. Senators Tomlinson and Boscola stated that the Commission should immediately begin revising its regulations with regard to variable-priced contracts and the treatment of customers who have an expiring fixed-term contract. The letter stated that customers should be fully informed of the rates they will be paying and that the requirements regarding the timing and type of notifications provided to customers should be strengthened. Lastly, Senators Tomlinson and Boscola encouraged EGSs to provide to customers more information regarding price variability and to provide more timely and complete notices of changes to or expiration of a fixed-term contract.

In addition, two residential customers e-mailed either the Commission's website or www.PaPowerSwitch.com with comments regarding the Commission's proposed

regulatory changes to EGS disclosure statements, as well as changes to customer notices regarding "contract renewals" and "changes in terms."

One customer, Mr. David Tranquillo, was supportive of changes to contract terms and conditions, including rebates and incentives, being explained "in bold print in a size larger than the rest of the offer." Another customer, Mr. Ron Brenize, was supportive of changes that would require suppliers to notify customers of rate increases via mail, e-mail, or on the bill. He added "this would give the consumer time to review and make changes if they desire."

Discussion

The Commission has reviewed the comments filed in regard to its proposals and will address those that necessitate more discussion below. As a preliminary matter, we note that any issue or comment that we do not specifically address has been duly considered and will be denied without further discussion. It is well settled that the Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); see also, generally, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

1. *Amendment to § 54.5(c) Contracts with variable pricing*

Currently, Section 54.5(c) states the following:

(2) The variable pricing statement, if applicable, must include:

52 Pa. Code § 54.5(c)(2).

a. *Comments*

UGIES believes the "if applicable" language is ambiguous and can be misinterpreted. One interpretation may be that a statement on the limits of price variability must be included only "if applicable." As such, UGIES states that existing EGS disclosure statements may not contain a statement that there is no limit on price variability and believes that a revision to the language is warranted to clarify the EGSs with variable prices must clearly and conspicuously explain any limits (or lack thereof) on how a price may change. UGIES Comments at 4. Notably, OCA also made a similar suggestion to this regulation. OCA Comments at 6.

b. *Resolution*

The Commission agrees with UGIES's comments regarding the potential misinterpretation of the current language at § 54.5(c) and has revised the language as follows:

(2) The variable pricing statement[, if applicable,] must include:

52 Pa. Code § 54.5(c)(2).

2. *Additions to § 54.5(c)(2)(ii) Limits on price variability*

As previously discussed, the Commission believes that changes to its regulations regarding the disclosure statements provided to residential and small business customers are required to provide more ample consumer protections and to increase customer awareness and education about the competitive electric marketplace. Specifically, we have concerns that customers are not receiving enough information regarding the rates being charged by EGSs and the circumstances under which those rates

¹ The NRG Retail Northeast Companies include NRG Residential Solutions, Green Mountain Energy Company and Energy Plus Holdings Company.

may vary. Currently, Section 54.5(c)(2)(ii) only requires that the limits on price variability be disclosed. Because many customers on variable-priced contracts during the events of early 2014 either were not enrolled in contracts that contained any sort of pricing limitations or perhaps were unaware of those limitations, or lack thereof, there was significant confusion and frustration with the shopping experience (as evidenced by the thousands of inquiries and complaints we have received on this subject). Due to such a negative turn of events and in the interest of all residential and small business customers participating in the competitive market now and in the future, we believe that more specific direction should be provided to EGSs regarding the level of detail the Commission expects regarding the variability in retail generation supply pricing. As such, the Commission is amending its regulations regarding the disclosure of limits on price variability. Specifically, the following language has been added to § 54.5(c)(2)(ii), Limits on price variability:

(ii) Limits on price variability:

(a) If there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per kilowatt-hour for electricity during the term of the contract, the EGS shall clearly explain the applicable limits.

(b) If there is no limit on price variability, the EGS shall clearly and conspicuously state that there is no limit on how much the price may change from one billing cycle to the next.

52 Pa. Code § 54.5(c)(2)(ii).

a. *Comments*

NRG agrees with these changes. NRG Comments at 4. WGES agrees with the addition of § 54.5(c)(2)(ii)(b) but believes that § 54.5(c)(2)(ii)(a) is redundant with § 54.5(c)(2)(ii). WGES Comments at 3.

OCA and NEM question the usefulness of providing a statement regarding the lack of limits on price variability. OCA Comments at 5 and NEM Comments at 4, 5. Specifically, in OCA's opinion, having a statement that contemplates no price limit may not confirm with the Commission's current regulations at § 54.5 that specifically reference price limit. OCA Comments at 6. However, OCA recommends that, if this requirement is maintained, the Commission should provide the exact language to be used by EGSs to convey this message. OCA Comments at 5.

b. *Resolution*

We disagree with OCA and NEM that information regarding the lack of limits on price variability is not helpful to customers. We further disagree with the OCA that allowing a statement or explanation of "no limit" is "taking a step in the wrong direction." OCA Comments at 6. Conversely, we see the clear benefit to customers of requiring an EGS to make it explicitly known if it does not have any limitations on the variable prices charged. This Commission strongly believes that disclosure of this information will be invaluable to customers enrolling in variable-priced contracts with an EGS, since customers will be provided clear, plain language descriptions of any floors and/or ceilings on their rates. Through the promulgation of these regulations, it is the Commission's goal to provide as much information as possible in order to ensure that consumers are protected and are able to see the benefits of a competitive electric market, which

includes a variety of products and offerings. In making these limits (or lack thereof) known in the disclosure statement provided to residential and small business customers, who in many cases are less sophisticated in their knowledge of energy markets and the fluctuations that may exist in these markets, we are ensuring that customers know whether their generation charges could possibly increase drastically, depending on any number of factors, over the life of a contract. As such, the Commission has amended § 54.5(c)(2)(ii) as outlined above.

3. *Addition of § 54.5(c)(2)(iii) Regarding the Provision of the First Billing Cycle's Pricing for Variable Rate Contracts*

While this Commission recognizes that variable-priced contracts will, in fact, vary, we believe it is essential to provide customers with the rate that will be charged for the first billing cycle upon the EGS's enrollment of that customer. We do not believe it is in the best interests of customers to allow an EGS to enroll a customer without that customer knowing the rate, per kilowatt-hour (kWh), he or she will be charged for the first billing cycle of service. As such, the following language has been added as 52 Pa. Code § 54.5(c)(2)(iii):

(iii) The price to be charged, per kilowatt-hour, for the first billing cycle of generation service.

52 Pa. Code § 54.5(c)(2)(iii).

a. *Comments*

WGES notes that while it, like many other EGSs, does provide customers with the rate for the first billing cycle when it has a customer who initially contracts for service, "it is not clear that such a requirement is consistent with all variable pricing models." WGES Comments at 3. NRG supports this change. Specifically, NRG notes that "requiring that suppliers to include the first month's price provides customers a starting point to which future comparisons can be made." NRG Comments at 4. NRG continues that this regulation, as proposed, provides EGSs with needed flexibility to design variable product offerings to meet their needs and the needs of customers, "without restricting the types of product offers that EGSs can offer." NRG Comments at 4.

OCA notes that while this change "could have some benefit," the OCA is concerned that such a requirement is insufficient where introductory rates are often used. As a result, the OCA suggests that there should be specific language added to the regulation to make clear that a variable product's price will change in the second month and that if the price in the first month is "introductory," there be a clear statement added that the price is an introductory price, the length of the introductory period and the price for the first month after the introductory period ends. OCA Comments at 8.

b. *Resolution*

As indicated above, and throughout the Order, the goal of this Final-Omitted Rulemaking is to make changes to EGS disclosure practices that are in the public interest. While we note and applaud WGES's explanation that it provides the rate for the first billing month for customers who initially contract with them, the Commission is aware that not all EGSs operating in the Commonwealth operate in the same way. Accordingly, we believe that this change is needed and will be retained in the Final-Omitted Rulemaking.

In doing so, we also take note of OCA's concern that greater explanation is needed when introductory rates are involved. However, rather than include the language

suggested by the OCA in this regulation regarding the use of introductory rates, we think this type of information and explanation is better left for inclusion in the EGS Contract Summary that will be explained, *infra*. As indicated below, the EGS Contract Summary is a more fluid document, and may be refined with stakeholder input through OCMO.

4. *Amendment to § 54.5(c)(10) Regarding Explanation of Certain Contract Terms*

As previously discussed, this Commission believes it is in the best interest of those customers enrolled in variable-priced contracts to have EGSs provide them with sufficient information regarding variability. Because of the nuances and complexities of the electricity markets and because of the “legalese” often included in disclosure statements provided to customers, we believe it important to provide customers pertinent information in plain, easy-to-understand language that stands apart from the rest of the “fine print” of disclosure statements. As such, the Commission has made the following amendment to § 54.5(c)(10):

(10) An explanation of **limits on price variability**, penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service.

52 Pa. Code § 54.5(c)(10).

5. *Addition of § 54.5(c)(14) Regarding Provision of Information for Variable Rate Contracts*

a. *Addition of § 54.5(c)(14)(i) and (c)(14)(ii) Regarding Provision of Historical Pricing Information*

Currently, when an EGS enrolls customers into a variable-priced contract, it must only provide information in the disclosure statement regarding the basis on which that pricing may vary, any applicable limits on pricing variability and an explanation of any applicable sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions. See 52 Pa. Code §§ 54.5(c)(2) and 54.5(c)(5). However, due to customer confusion surrounding changes in variable-priced products following the events of early 2014, the Commission believes that customers need more information on variable rate contracts upon enrollment.

Specifically, the Commission believes the provision of historical pricing for an EGS’s variable rate will be beneficial to customers, despite the fact that historical information is not necessarily an indicator of current or future market conditions. While not necessarily indicative of future performance, this information will allow customers to notice any trends (including the range of prices that have been charged) in variable-priced products. Specifically, we proposed the provision of 12 months of historical retail pricing which would allow customers to understand pricing changes that occur due to seasonal changes and fluctuations due to weather conditions and related temperatures. With this information, a customer may be able to determine appropriate times to reduce his or her electricity consumption or to recognize when it is their interest to shop around for alternative generation supply products.

Furthermore, the Commission believes that the provision of historical pricing is common, and perhaps expected, practice when providing variable rate products in other areas. For example, customers purchasing either individual stocks or mutual funds have access to historical prices, for the sake of determining any potential trends, to determine how prices were affected by certain

events (e.g. major weather events; global events; force majeure) or to generally see stock and plan performance over time. Similarly, there is no clear indication or guarantee that past performance can ever be an indicator of current or future pricing.

For these reasons, the Commission proposed the addition of section § 54.5(c)(14). This section stated the following:

(14) For contracts with variable pricing, the EGS shall provide:

(i) A telephone number and Internet address at which a customer may obtain the previous 12 months’ average monthly billed prices for that customer’s rate class and EDC service territory. If an EGS has not been providing generation service in a customer rate class and EDC service territory for 12 months, the EGS shall provide the average monthly billed prices for the months available to date.

(ii) In plain language, a statement that historical pricing is not indicative of present or future pricing.

52 Pa. Code § 54.5(c)(14).

i. *Comments*

Multiple parties request that this language be amended and/or clarified. OCA wants to ensure that this information is not misleading and believes a common approach should be utilized. Additionally, OCA believes the highest and lowest price per kWh charged for a rate class and EDC service territory should be provided. Lastly, OCA requests that instead of restricting information to only 12 months, information for between 36 and 60 months be provided, in order to “properly reflect energy pricing changes over a reasonable period of time.” OCA Comments at 9, 10. RESA believes the language should be clarified to make it easier for EGSs to provide information based on meter reads. RESA Comments at 4, 5.

NEM, NRG, IGS and WGES disagree with the provision of historical pricing information as it may be limited in value, confusing, costly, and may be competitively sensitive. NEM Comments at 5; NRG Comments at 5; IGS Comments at 6, 7; and WGES Comments at 4. WGES requests clarification regarding how the average will be calculated. WGES Comments at 4. Constellation requests clarification that EGSs would be providing 12 prices—the average for each month. Constellation Comments at 4.

OCA agrees with the Commission’s inclusion of a requirement that EGSs provide a statement to customers that historical pricing is not indicative of future pricing. OCA Comments at 10. Conversely, WGES believes the reasoning behind such a statement is why historical pricing should not be required. WGES Comments at 4.

ii. *Resolution*

The Commission disagrees with those parties who believe that the provision of historical pricing information is useless to customers. As previously discussed, while we recognize that this information is not indicative of future pricing, we believe customers may use historical pricing information to determine trends related to seasonal changes, global events, etc. Additionally, this information may help a customer determine optimal times to reduce his or her electricity consumption.

While we disagree with OCA that 36 to 60 months’ of historical pricing should be provided by EGSs, as we believe that a 3 to 5 year term is too long and too far removed from current and future conditions to provide

any practical value to customers, we agree that it may be beneficial to provide more than 12 months' information. We believe 24 months of historical information would be an appropriate amount as it allows customers to not only view one full year of seasonal changes, but two. In the Commission's opinion, this change meets OCA's desire that enough information is given to "properly reflect energy pricing changes over a reasonable period of time." As evident in the events earlier this year, one year's seasonal changes may be drastically different from the previous year. As such, a comparison between two separate years will aid customers in recognizing how their electric consumption changes over time and how prices are affected by various events. Therefore, we have revised at § 54.5(c)(14) to reflect that 24 months' of historical information shall be provided by the EGSs.

The Commission also recognizes that there are various types of retail electric price offerings throughout the Commonwealth, as well as a variety of offers from each EGS. Due to the variety of price offerings, a one-size-fits-all approach to calculating the average monthly billed price is neither practical nor useful. In addition, as the retail electric market offerings change and evolve, it is impractical to propose a calculation method that is applicable to all current and future rate designs. We agree with the various commenters that further information is needed regarding ways to provide such information in a consumer-friendly and useful format while maintaining competitive sensitivities. However, we do not believe it appropriate to include such details as to the interpretation and application of this requirement in regulations. As such, we will refer this issue to OCMO to review and provide recommendations to the Commission as to the best manner for providing historical pricing information to customers.

b. *Notifications Regarding Price Changes*

In the March 19, 2014 Secretarial Letter, there were two provisions included in the Annex regarding customer notifications. Specifically, the Commission sought input from stakeholders on the following two provisions in § 54.5(c)(14)(iii) and (iv):

(iii) Information regarding when the customer will be aware of each price change.

(iv) Notice to customers of a rate increase of more than 50% over the prior billing cycle as soon as the EGS becomes aware that such an increase will occur. For customers who have elected to receive electronic communications from the EGS, the notice of the rate increase will be transmitted in the manner chosen by the customer. For all other customers, notice will be provided by direct mail.

52 Pa. Code § 54.5(c)(14)(iii—iv).

i. *Comments*

OCA believes that customers on variable-priced contracts should be provided notification of price changes before being charged such prices. OCA submits that this information be provided at least at the beginning of each month. OCA Comments at 10. NRG and WGES believe that such a provision is burdensome. NRG Comments 6, 7; and WGES Comments at 5. UGIES states that this would require EGSs to provide forward price projections. UGIES Comments at 6.

Comments were also provided regarding the percentage of price increases over the previous billing cycle that should warrant notification to customers. Percentages ranging from 30% to 100% price increases were suggested

as a trigger for customer notification. Citizen Power Comments at 2 and Constellation Comments at 4, 5.

Other parties believe such a requirement, even at 50%, would be impractical and onerous. WGES Comments at 5 and UGIES Comments pg. 7. WGES specifically states that such a provision, if included in regulations would imply that the Commission sanctions a rate increase of a certain percentage as being "reasonable." WGES Comments at 5.

ii. *Resolution*

The Commission declines to include requirements in its regulations regarding the provision of notices surrounding variable pricing changes. While we agree with those parties that stated that EGSs should provide some indication of when customers will realize a price change, we disagree with the inclusion of such a requirement in our regulations at this time. Specifically, we believe this information is best included in the EGS Contract Summary provided to customers. EGSs should include, in the EGS Contract Summary, information regarding not only when a customer may realize a price change, but also when they can expect notification of a price change. For example, an EGS could state that a customer's variable rate may change monthly and the customer will receive notification of the price change during a certain time of the month, once the final monthly meter read is performed, or when the price takes effect (i.e. when the customer receives the bill with that price). The inclusion of this information on the EGS Contract Summary allows the Commission flexibility in amending the template to be more or less specific in its direction regarding the inclusion of such information. Additionally, it allows for other stakeholders to bring concerns to the Commission with a potential resolution completed in a timely fashion.

The Commission also declines to include in its regulations a requirement that EGSs notify customers of certain minimum percentage price increases. While we clearly understand customer confusion and potential frustration with increasing prices, as evident during the winter of 2014, we do not believe it appropriate to set a minimum percentage that would represent a "significant" increase. As accurately stated by WGES, this Commission should not be perceived as condoning certain levels of rate increases—especially those at 50% over the previous bill as reasonable. Instead, this Commission believes that EGSs should be in contact with its customers regularly regarding rates being charged. It is in an EGS's best interest to contact customers regarding potential rate increases in order to retain that person as a customer. We realize this expectation may not have been met during the events earlier this year; however, as recognized by the majority of parties, those events were unforeseeable. We are confident that all parties involved, including the EGSs, have learned from these events and we expect that they will act in good faith and in the best interest of customers going forward.

6. *Amendment to § 54.5(g) Regarding Customer Notices*

The Commission has made minor changes to 52 Pa. Code § 54.5(g) to conform with the requirement that EGSs send two notices to customers, an Initial and Options notice, which indicate a contract's impending expiration or change in service terms for a contract. Currently, the section contemplates that three notices would be sent—in each of the last three bills for supply services. While this language has been in regulations, it is unclear whether the intent could even be met, considering EDCs do most of the billing for EGSs and EDCs do

not allow EGSs to provide any inserts that accompany bills. To prevent confusion going forward and to provide clear direction to EGSs, the Commission has revised this language to indicate that two notices must be provided to customers when informing them of a contract's expiration or change in terms.

In addition, due to the importance of these notices, we have removed any possibility that these notices can be sent along with a customer's bill by instead requiring two separate written notifications for both the Initial and Options Notice. We believe that providing the notices to customers separately from bills allows these notices to stand out and also come directly from the EGS, thus encouraging and reinforcing an EGS-customer relationship. As such, Section 54.5(g) has been amended as follows:

(g) Disclosure statements must include the following customer notification: **"If you have a fixed term contract approaching the expiration date, or whenever we propose to change the terms of service in any type of contract, you will receive two separate written notifications that precede either the expiration date or the effective date of the proposed changes. These notifications will explain your options going forward."**

[(1) **"If you have a fixed term agreement with us and it is approaching the expiration date or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us in each of our last three bills for supply charges or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes. We will explain your options to you in these three advance notifications."**]

52 Pa. Code § 54.5(g).

We had provided similar language in the March 19, 2014 Secretarial Letter in order to get stakeholders' feedback. Notably, though, we had included a provision that retained only notification to be done via "separate mailings" and other than removing the phrase "in each of our last three bills," did not indicate how many notices must be sent.

a. *Comments*

In comments, RESA recommends that this section be amended to allow for delivery of these two notifications "in the form and manner to which the customer agreed in forming the contract." RESA Comments at 5. OCA suggests that removing the requirement of three notifications is a mistake and recommended language to retain "three notifications" in separate mailings that precede either contract expiration or the effective date of a change in terms. OCA Comments at 12, 13.

b. *Resolution*

As indicated above, we have attempted, in part, to address RESA's concern that more flexibility be given to EGSs when providing notices to customers to have them "in a form and manner to which a customer agreed" when forming the contract. Accordingly, we have removed the requirement that the notices be sent "in separate mailings." Notably, however, and as explained in detail below, while we have amended Section 54.10 to allow for the Initial Notice to be sent via electronic communication to customers that consent to that type of delivery, we are still requiring that the Options Notice be sent by mail,

especially in light of the fact that we are retaining the requirement that the envelope containing the Options Notice include messaging to alert customers that "it contains important information regarding the expiration or changes in terms of the customer's electric supply contract."

In response to the OCA's comments that the change contained in § 54.5(g) is seen as going backward, for all the reasons articulated above, we disagree. Again, understanding that a majority of EGS bills are provided by EDCs and that EDCs do not allow EGSs any bill inserts, it is more than likely that EGSs have not been able to carry out their commitment to provide "written notification from us in each of our last three bills for supply changes or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes" for some time. This reality, combined with the fact that the proposed regulations in this Final-Omitted Rulemaking that cover required notices before contract expiration or a change in terms only require two notices, further support the Commission's reasoning for only including two notices in this provision instead of the three as suggested by OCA.

Additionally, to maintain consistency throughout our regulations, we have amended this section to replace the word "agreement" with the word "contract."

7. *Addition of § 54.5(i) Creation of an EGS Contract Summary*

With the recent events surrounding the retail electric marketplace, this Commission supports the idea that EGS disclosure statements, as they currently exist, need a clear and concise summary for the benefit of consumers. In order to ensure customers are protected when participating in the competitive retail marketplace, we believe more education is needed regarding the terms of a contract. This idea has been evident in recent actions of the Commission, such as clarifying the presentation of information available on www.PaPowerSwitch.com and updating the definitions of both "variable" and "fixed price" contracts in the Commission's Final Order regarding Guidelines for Use of Fixed Price Labels for Products with a Pass-Through Clause.² In furtherance of this goal, the Commission has added a requirement, at 52 Pa. Code § 54.5(i) which states the following:

(i) The EGS shall provide, with the disclosure statement, a separate EGS Contract Summary in a format provided by the Commission.

52 Pa. Code § 54.5(i).

We believe the provision of an EGS Contract Summary will provide, in an easy-to-read, one-page document, the most important terms of the disclosure statement. Many customers either do not read the "fine print" of their disclosure statements or are confused by the "legalese" included therein. The provision of a summary document provides pertinent contract terms in common language, consistent with much of the information provided on the Commission's PaPowerSwitch website, allowing for customers to more easily understand the contract into which they have enrolled. This information is also beneficial if a customer decides to review his or her current EGS terms and compare those terms with other EGS offers.

To aid the EGSs in fulfilling this new requirement, the Commission has created an EGS Contract Summary template separate from the regulations themselves, fol-

² See Guidelines for Use of Fixed Price Labels for Products with a Pass-Through Clause Final Order, at Docket No. M-2013-2362961, entered November 14, 2013.

lowing this Order as Attachment A. This template is meant to provide pertinent information in a clearly understandable “Schumer Box” style³ format for consumers to view, in addition to the disclosure statement they currently receive.⁴ The Commission’s template as proposed for the EGS Contract Summary includes the following headings, with an explanation of the type of information the Commission expects to see in each corresponding box:

- Electric Generation Supplier Information;
- Price Structure—fixed vs. variable; inclusion of an explanation of the limits on variability; information regarding notification of price changes;
- Generation/Supply Price;
- A Statement Regarding Savings—if applicable, a statement that the supply price may not always provide savings to the customer;
- Deposit Requirements;
- Incentives;
- Contract Start Date;
- Contract Term/Length;
- Cancellation/Early Termination Fees;
- Renewal Terms; and,
- EDC Information.

The Commission recognizes that many of the requirements in the EGS Contract Summary Template may not be applicable to certain types of contracts. For example, some EGS contracts guarantee a percentage of savings in relation to the EDC’s PTC. However, most contracts do not have such guarantees. As such, an EGS would explicitly state, in plain language, that it does not guarantee that a customer will be saving money every month/billing cycle under this contract.

Because some terms outlined in the EGS Contract Summary template provided herein may not be relevant to all contracts, EGSs are required to include those terms, as listed above, which are applicable to the contract being summarized. If a certain category of information is not applicable, the EGS may remove it from the template for that contract summary.

While we anticipate that the EGS Contract Summary will be incorporated into the EGS application going forward as an addendum to the disclosure statement template and have enumerated this fact in the regulations by stating EGSs “shall provide, with the disclosure statement, an EGS Contract Summary in a format provided by the Commission,” we also want to ensure that the EGS Contract Summary is useful and can be made available to consumers as soon as possible going forward. Accordingly, we direct OCMO to provide further direction to currently licensed EGSs serving residential and/or small business customers regarding the submission of EGS Contract Summaries to the Commission.

8. Addition of § 54.10 Notice of Contract Expiration or Change of Terms for Residential and Small Business Customers

The Commission believes that one of the primary ways in which to protect residential and small business con-

sumers when participating in the competitive retail electric market is to ensure that these customers are educated on marketplace operations and on their options when moving around in the market (i.e. choosing different products with the same EGS; switching from one EGS to another; switching from default service to EGS service; or switching from EGS service to default service). As previously discussed, in 2010, after working with numerous stakeholders and reviewing comments, the Commission adopted Interim Guidelines that outlined requirements for the EGS provision of two notices to customers regarding the expiration of or change in terms of an electric supply contract. These notices are intended to provide customers with important information about their options prior to the expiration of or change in terms of their current contracts for generation supply. Because inaction will likely lead to placement on a variable rate, it is essential that customers enrolled in a fixed-rate contract be notified prior to that contract’s pending expiration or change in terms.

Prior to the expiration or change in terms of a fixed-rate contract (or any fixed-term contract for that matter), customers need to make a decision whether to remain with their current EGS, choose a new EGS, or return to default service. In order to aid customers in making such a decision, the Interim Guidelines required EGSs to provide an Initial Notice of the contract expiration, or to a change in contract terms, between 52 and 90 days before that contract expires. Additionally, the EGSs are required to provide an Options Notice, which outlines the actions a customer may take, no less than 45 days in advance of the contract expiration or change in terms. To codify these Interim Guidelines and in order to ensure EGS compliance with these requirements, we have added Section 54.10—Notice of Contract Renewal or Change in Terms, to our regulations. Due to the length of this addition, we will not reiterate the language here and, instead, refer readers to Annex A, which outlines all of the regulatory changes, including the addition of 52 Pa. Code § 54.10, resulting from this Order. However, in this section of the order, we would like to highlight certain provisions that differ from the Interim Guidelines.

a. Amendment to the Timing of the Initial and Options Notices

The Commission’s Interim Guidelines stated: (a) An Initial Notice shall be provided to each affected customer 52 to 90 days prior to the expiration date of the fixed term⁵ agreement or the effective date of the proposed change in terms; and (b) The Options Notice shall be provided to each affected customer at least 45 days prior to the expiration date of the fixed term agreement or the effective date of the proposed change in terms.

We believe that customers need to be notified prior to the expiration of their existing contract or prior to a change in the terms and conditions of that contract in a fashion that gives them both the information and time to act. Having an EGS provide an Initial Notice 90 days before the contract expires loses the implied urgency. Similarly, customers who receive their Options Notice 45 days before expiration may act immediately and incur an early cancellation fee because they left their existing EGS too soon. By requiring the EGSs to send the Initial and Options Notices closer to the expiration or change in terms of a contract, it will make customers more cognizant of the upcoming change and will likely force custom-

³ A Schumer Box is template used by the credit card industry to present certain terms and conditions. This template is named after Senator Charles Schumer (NY) who was responsible for the legislation associated with the requirements for outlining credit card terms.

⁴ Attachment A is an attachment to this Final-Omitted Rulemaking Order and is not an attachment to Annex A. As such, the EGS Contract Summary template provided herein is not included in the revised regulations.

⁵ Fixed-term agreements are agreements that may offer a fixed-price or a variable-price over a specific period of time, such as 12 months, but is not intended to apply to a rolling month-to-month contract that has no set term length or expiration date.

ers to not delay in making an affirmative choice to either remain with their existing EGS, switch to alternative EGS or return to default service. As such, we have amended the language from the Interim Guidelines to direct that the Initial Notice be provided to the customer 45 to 60 days prior to the expiration of the contract and that the Options Notice be provided to the customer no less than 30 days prior to the expiration or change in terms of the contract.

b. Amendment to the Provision of the Initial and Options Notices

Currently, Section § 54.5(g) states: “If you have a fixed term agreement with us and it is approaching the expiration date or whenever we propose to change our terms of service in any type of agreement, you will receive written notification from us in each of our last three bills for supply charges or in corresponding separate mailings that precede either the expiration date or the effective date of the proposed changes. We will explain your options to you in these three advance notification.” See 52 Pa. Code § 54.5(g). In the 2010 Interim Guidelines, the Commission required the provision of an Initial Notice to customers between 52 and 90 days prior to the expiration or change in terms of a contract and the provision of an Options Notice to customers at least 45 prior to the expiration or change in terms of a contract. Due to the importance of the notices, the Interim Guidelines stated that the notices will be mailed to customers, separately from those customers’ electric bills.

i. Comments

Multiple parties believe that the EGSs should be allowed to use electronic means to transmit these notices, should a customer request such methodology. RESA Comments at 7; Constellation Comments at 5.

ii. Resolution

The Commission agrees that many customers may request notifications via email, text messaging or other electronic means. As such, we will allow EGSs to provide the Initial Notices to customer via electronic communication, using the format chosen by the customer. We would like to make it clear that this Commission does not believe that simply posting messaging on a website, such as the EGS’s homepage, would constitute notification. We expect the EGS to actively reach out to the customer via the electronic means (e.g., e-mail or text message) requested by that customer.

While the Commission will allow the Initial Notice to be communicated electronically, we still believe standard U.S. mail is an effective means of communicating important information to customers, especially in light of the fact that we are retaining the requirement that the envelope containing the Options Notice include messaging to alert a customer that it contains important information regarding that customer’s contract. Additionally, the potential utilization of electronic means for delivering the Initial Notice and requiring the Options Notice to be delivered via first class mail provides for multiple avenues through which to reach a customer. As such, we will require EGSs to provide the Options Notice via first class mail. We have amended the language in § 54.10(1).

c. Amendment to Cancellation Fee Information in the Initial Notice

The Commission proposed the addition of § 54.10(1)(vi) which stated:

(vi) A statement indicating whether the existing fixed term contract has a cancellation fee, and an explanation of the fee amount and how to avoid the fee, if possible.

52 Pa. Code § 54.10(1)(vi).

i. Comments

RESA requests that the language be amended to include the option for customers to select a different product from their existing EGS. RESA Comments at 7.

ii. Resolution

The Commission maintains its position that customers nearing the end of a fixed-term agreement need to be made aware that their existing contract has a cancellation fee. We agree with RESA that customers should be notified that they can choose a different product that is being offered by their existing EGS, as well as having the ability of choosing to purchase supply from an alternative EGS or return to default service. Therefore, we have amended the language at § 54.10(1)(vi) to state the following:

(vi) A statement indicating whether the existing fixed term contract has a cancellation fee, and an explanation of the fee amount and how to avoid the fee, if possible, including notice of the date when the customer can choose a different product from the customer’s existing EGS, can choose an alternative EGS or can return to default service.

52 Pa. Code § 54.5(1)(vi).

d. Amendment to Information in Options Notice re: Customer’s Options

Currently, the Commission’s Interim Guidelines provide for: A statement advising the consumer of the specific changes being proposed by the EGS and informing the customer of its options, including the customer’s ability to select another EGS within a certain time period, accept the proposed changes, or return to default service. The Commission proposed the inclusion of this language in its regulations.

i. Comments

Constellation notes that customers should be encouraged to explore all of their options, including options for service from their existing EGS. Constellation Comments at 5, 6.

ii. Resolution

We agree with Constellation that the option for a customer to accept a new product from his or her existing EGS should be included and have revised the language to state the following:

(i) A statement advising the customer of the specific changes being proposed by the EGS and informing the customer of how to exercise the customer’s options, including the customer’s ability to accept the proposed changes, to choose another product offering from the customer’s existing EGS, to select another EGS, or to return to default service.

52 Pa. Code § 54.10(2)(i)

e. Amendment to Provide Customers with First Billing Cycle’s Rate

As noted previously, this Commission recognizes that variable-priced contracts will, in fact, vary, but we believe it is essential to provide customers with the rate that will be charged for the first billing cycle of service. In the instances where a customer is enrolled in a fixed-term

contract that is nearing expiration or a change in terms, we believe that customer must know the first billing cycle's per kWh rate. Specifically, when EGSs provide the Options Notice at least 30 days in advance of the expiration or change in terms of the contract, that EGS should provide the new rate the customer will be charged the first billing cycle following the expiration or change in terms. As such, we proposed that customers who have not responded to the notices provided by EGSs and will be converted to a month-to-month or to another fixed-term contract be provided the first billing cycle's per kWh rate.

The Commission also proposed for those customers enrolled in fixed-term contracts who do not respond to the Initial or Options Notices and will be enrolled in a month-to-month variable-priced contract, that EGSs provide to customers 30 days' notice in advance of any subsequent price change.

i. Comments

Constellation requests that the first billing cycle's price be provided closer to when that rate will be charged. Specifically, Constellation proposes that EGSs provide the first billing cycle's rate to customers seven to 14 days in advance, instead of 30 days in advance via the Options Notice. Constellation states that the monthly rate for the upcoming month is typically established a few weeks in advance of the month. Constellation Comments at 6.

Multiple parties provided comments regarding the proposed notification of rate changes for those customers who are entered into a month-to-month contract upon expiration of their fixed-term contract. RESA, NEM and UGIES state that the providing notifications of rate changes as suggested 30 days in advance of the rate change would be costly, burdensome and may confuse customers, which could have a negative impact on both variable price products and retail choice. RESA Comments at 8; NEM Comments at 8, 9; UGIES Comments at. 11, 12.

While first suggesting that this requirement should not be maintained, RESA notes that, if the Commission would decide to make such a requirement, those notifications should be transmitted electronically if agreed upon by the customer. RESA Comments at 8. NRG also states that the requirement should not be imposed if the rate change benefits the customers or if an EGS already has limitations on the variability of its rate(s). NRG Comments at 8.

ii. Resolution

The Commission disagrees with Constellation that the provision of the first billing cycle's rate should be provided seven to 14 days in advance instead of 30 days in advance via the Options Notice. The purpose of the Options Notice is to provide a customer with information regarding their options in advance of the expiration of his or her fixed-term contract. The intent is to encourage a customer to take action, whether it be enrolling in a new product with his or her existing EGS, enrolling with an alternative EGS or returning to default service. As is the case when a customer initially shops, we believe the customer should be presented with, at a minimum, the first billing cycle's rate he or she will be charged. This information is most appropriate in the Options notice.

Upon review of stakeholders' comments, consumer complaints and feedback provided by a variety of parties, the Commission maintains its position that 30 days' notice of any pricing changes should be provided to those customers whose fixed-term contract has expired or has had a change in terms and are now enrolled in a variable-priced month to month contract. Because many of the customers

enrolled in fixed-term contracts have affirmatively chosen a fixed rate, these customers may need more information regarding the potential variability in rates they may experience upon contract expiration or when the terms of the contract are changed. Therefore, the following language has been included at § 54.10(2)(ii)(A)(I):

(I) Notice of a subsequent change in pricing shall be provided to the customer at least 30 days prior to the new price being charged.

52 Pa. Code § 54.10(2)(ii)(A)(I).

However, we recognize the comments provided by the EGSs who indicated that providing notice only via first class mail to all such customers may be costly and burdensome. As such, customers who did not respond to either the Initial or Options Notices, whose fixed-term contract has been converted to a month to month contract and who have elected to receive electronic communications from the EGS will be able to receive price change notifications transmitted in the manner chosen by the customer. For all other applicable customers, the price change notices will be provided by first class mail. We would like to make it clear that the Commission does not believe that simply posting messaging on a website, such as the EGS's own website, would constitute compliance with this requirement. We expect EGSs to actively reach out to these customers and provide notice of price changes via the means requested by that customer. Accordingly, the following language has been included at § 54.10(2)(ii)(A)(II):

(II) For customers who have elected to receive electronic communications from the EGS, notice of the change in pricing shall be transmitted in the manner chosen by the customer. For all other customers, notice shall be provided by first class mail.

52 Pa. Code § 54.10(2)(ii)(A)(II):

f. Inclusion of Information on Options Notice Envelope

We recognize the fact that due to the cost, popularity and effectiveness of mail advertising for EGS products, customers tend to receive significant amounts of mail at any point in time and may disregard general notifications provided by any number of entities, including their EGS. As such, this Commission believes it is in the best interest of those customers on fixed-term contracts nearing expiration or a pending change in terms to be made clearly aware of this upcoming change. To do this, the Options Notice provided by EGSs to customers must be distinguishable from the other mailings a customer may receive. As such, we proposed that the front of the envelope used in the distribution of the Options Notice should include, language that the mailing contains important information regarding the expiration or changes in terms of a customer's electric supply contract.

i. Comments

Constellation encourages the Commission to review the New York Public Service Commission's proceeding related to similar issues and recommends that the Commission adopt the same universal statement as utilized in New York. Additionally, Constellation requests that EGSs be allowed the flexibility to provide the messaging through the clear window portion of a window envelope, if practical. Constellation Comments at 7, 8.

Citizen Power requests that the language indicate that the expiration or changes in terms of the contract may modify the rates paid by the customer. Citizen Power Comments at 2.

ii. *Resolution*

We maintain our position that language regarding the expiration or change in terms of a customer's fixed-term contracts should be clearly visible on the envelope distributing the Options Notice in order to make the notice more distinguishable from other items of mail. However, we do not intend a requirement that will be overly burdensome to EGSs to effectuate if they have similar processes that can achieve the same effect—such as providing messaging visible in the transparent window portion of the envelope, as Constellation suggests. To achieve this effect, we are requiring information that alerts the customer as to the importance and purpose of the mailing to be “clearly visible” on the front of envelope. This change will accommodate either messaging on the envelope as originally proposed or messaging in the transparent window as long as it is clearly visible on the front of the envelope.

Regarding the exact wording of the messaging that needs to be visible on the envelope, we decline to make any specific recommendations in this proceeding. Accordingly, EGSs are free to use language from other jurisdictions, as long as it fulfills the intent of the regulation—which is to make known that the Options Notice contains important information regarding the expiration or change in terms of a customer's electric supply contract. Accordingly, the Commission has included the following language in order to attain this objective:

(vi) language clearly visible on the front of the envelope used to provide the Options Notice stating that it contains important information regarding the expiration or changes in terms of the customer's electric supply contract.

52 Pa. Code § 54.10(2)(vi).

g. Inclusion of Information Regarding Actions to be Taken Should a Customer not Respond to EGS Notices

Lastly, as outlined in the Interim Guidelines, we believe direction is needed regarding actions to be taken when customers fail to respond to either of the two required EGS notices. Because the intent of the competitive market is to encourage customers to shop for their retail electricity supply, we do not believe it is appropriate for a customer to be reverted to default service should that customer fail to respond to either of the two EGS-provided notices. Instead, and as indicated in the Interim Guidelines, we believe that customers with a fixed-term contract who fail to respond to the EGS notices should be enrolled in one of two types of contracts. The first would be to convert that customer to a month-to-month contract with no cancellation fee. This month-to-month contract will remain in place until the customer affirmatively enters into a new contract with the existing EGS, a new EGS, or returns to the default service provider. The second option would be for the customer to be enrolled in a new fixed-term contract that includes a customer-initiated cancellation provision and does not include cancellation fees.

However, in allowing that EGS to retain these customers, the Commission believes certain customer protections should be in place, which is why cancellation fees may not be imposed on these customers, should they choose to switch suppliers or return to default service while enrolled in one of these two contracts. To memorialize this language from the Interim Guidelines and in order to ensure EGS compliance with these requirements, we have added Section 54.10(3) to our regulations. Due to the length of this addition, we will not reiterate the language here and, instead, will refer readers to Annex A, which

outlines all of the regulatory changes, including the addition of 52 Pa. Code § 54.10(3), resulting from this Order.

8. *Implementation*

EGSs shall implement these regulatory changes within 30 days of the publication in the *Pennsylvania Bulletin*.

Process and Justification for Promulgating Final-Omitted Regulations

Under the Public Utility Code, the Commission may promulgate regulations as may be necessary and proper in the exercise of its powers and performance of its duties. 66 Pa.C.S. § 501(b). In promulgating regulations, the Commission must adhere to the statutory requirements of the Regulatory Review Act, 71 P.S. §§ 745.1 et seq., the Commonwealth Documents Law, 45 P.S. §§ 1201 et seq., and the Commonwealth Attorneys Act, 71 P.S. § 732-204. A Commonwealth agency enjoys wide discretion in establishing rules, regulations, and standards; this discretion will not be overturned by a reviewing court absent proof of fraud, bad faith, or a blatant abuse of discretion. *Logsden v. Dept. of Educ.*, 671 A.2d 302, 305 (Pa. Cmwlth. 1996). In order for a regulation to have the force of law binding on the judiciary, the agency must: 1) act pursuant to the agency's governing statute, 2) adhere to proper procedure, and 3) issue a reasonable regulation. *Rohrbaugh v. Pa. Pub. Util. Comm'n*, 727 A.2d 1080, 1085 (Pa. 1999).

In proposing a new or modified regulation, an agency generally must provide notice to the public of its proposed rulemaking and an opportunity for the public to comment. 45 P.S. § 1201; *Naylor v. Com., Dept. of Public Welfare*, 54 A.3d 429, 434-6 (Pa. Cmwlth. 2012). The purpose behind this formal notice and comment rulemaking is to provide “affected parties a democratic process for participation in the formulation of standards which govern their conduct and increases the likelihood of administrative responsiveness to their needs and concerns.” *Dept. of Enviro. Resources v. Rushton Min. Co.*, 591 A.2d 1168, 1171 (Pa. Cmwlth. 1991). Furthermore, this formal process “enables the agency to obtain information relevant to the proposed rule and facilitates the consideration of alternatives, detrimental effects, criticism, and advice, thereby contributing to the soundness of the proposed regulation.” Id.

An agency may forgo those formal notice and comment procedures attendant to a proposed rulemaking by promulgating Final-Omitted Regulations. 45 P.S. § 1204. The Commonwealth Documents Law, Section 1204 of the Pennsylvania Statutes, 45 P.S. § 1204, in discussing scenarios that justify Final-Omitted Regulations, provides:

Except as otherwise provided by regulations promulgated by the joint committee, an agency may omit or modify the procedures specified in §§ 201 and 202, if:

- (1) The administrative regulation or change therein relates to: (i) military affairs; (ii) agency organization, management or personnel; (iii) agency procedure or practice; (iv) Commonwealth property, loans, grants, benefits or contracts; or (v) the interpretation of a self-executing act of Assembly or administrative regulation; or
- (2) All persons subject to the administrative regulation or change therein are named therein and are either personally served with notice of the proposed promulgation, amendment, or repeal or otherwise have actual notice thereof in accordance with law; or

(3) The agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in §§ 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.

45 P. S. § 1204.

Pertinently, an agency may forgo traditional notice and comment procedures if the agency finds for good cause those procedures are “impracticable, unnecessary or contrary to the public interest.” 45 P. S. § 1204(3). To demonstrate good cause that the formal notice and comment rulemaking process is unnecessary, an agency must include a “finding and a brief statement of the reasons . . . in the order adopting the administrative regulation or change.” 1 Pa. Code § 7.4.

Here, the Commission has determined that Final-Omitted Regulations revising our customer information regulations, 52 Pa. Code § 54.5, and adding 52 Pa. Code § 54.10 regarding customer notices, are necessary to serve and protect the public interest. Based upon the circumstances of this situation, specifically, the unusually high electric supply bills recently incurred by customers resulting from variable-priced contracts and fluctuations in wholesale energy markets, the exception at § 1204(3) is, in our opinion, applicable.

Good Cause Supports Commission Promulgation of Final-Omitted Regulations

The Commission finds good cause that undergoing the traditional notice and comment procedures for these regulations is impracticable, unnecessary, and contrary to the public interest. See 45 P. S. § 1204(3). Importantly, pursuant to Section 1204(2) all EGSs affected by these regulations will be served and provided with actual notice. See 45 P. S. § 1204(2).

Formal notice and comment procedures are impracticable and contrary to the public interest because customers are being affected now with extraordinarily high bills and may be affected again as early as this summer due to peak demand periods and potential fluctuations in the wholesale energy market. The Commission seeks to amend its regulations as soon as practicable to ensure customers are being provided with the necessary information to make informed decisions when shopping in Pennsylvania’s competitive retail electricity market. Specifically, these Final-Omitted Regulations will provide increased protection to customers and more adequately inform customers about the scope and limits of rate variability, the terms and conditions of an EGS contract, and the customer’s options prior to and after the expiration of their current contract for generation supply. Any delay in requiring EGSs to enhance disclosure statements provided to customers, such as a change in contract terms and notice of contract renewal, is contrary to public interest.

Formal notice and comment procedures are unnecessary because there have been and continue to be substantial channels for formal and informal public notice and comment. The public has voiced their comments and concerns through the filing of nearly 500 formal complaints with the Commission’s Secretary’s Bureau between January 1, 2014 and March 25, 2014, and the filing of over 5,600 informal complaints with the Commission’s Bureau of Consumer Services (BCS) regarding EGSs. In addition, BCS has answered more than 9,000 inquiries on the subject. Moreover, the media has raised this issue

throughout the Commonwealth. Additionally, the Commission has received a number of inquiries and comments from the Legislature regarding these events. As such, the public is indeed on high notice and constituents have reached out to their legislators, who are discussing legislative amendments to achieve clear and more expansive disclosure of contract terms. Throughout February and March of this year, the Commission has held numerous conference calls and meetings with interested parties, including the Office of Attorney General, the Office of Consumer Advocate, customers, suppliers, utilities, legislative committees, and the media.

As discussed, the Commission has already accepted and reviewed formal comments on advance notification by an EGS of impending changes affecting customer service via a previous Commission order. See September 2010 Interim Guidelines, Docket Nos. M-2010-2195286 and M-0001437. In the September 2010 Interim Guidelines, 12 parties filed comments, including the OCA, OSBA, Pennsylvania Utility Law Project (PULP), PPL Electric Utilities Corporation (PPL), PECO Energy Company (PECO), National Energy Marketers Association (NEMA), Pennsylvania Energy Marketers Association (PEMC), Washington Gas & Electric Services, Inc. (WGES), BlueStar Energy Solutions (BlueStar), Dominion Retail, Inc. (Dominion), FirstEnergy Solutions Corporation (FES), and Direct Energy Services, LLC (Direct Energy).

These regulations are, for the most part, simply codifying notice guidelines that have been in operation since 2010. We have over three years of experience with suppliers operating under these guidelines; and that experience for the most part has been positive with few compliance problems. However, our guidelines are sometimes overlooked by suppliers since guidelines do not have the force of law like regulations. Therefore, it is now appropriate to promulgate these regulations, which will be more visible and enforceable. While additional comments obtained through a proposed rulemaking have the potential to provide more insight and analysis (especially on generally-related issues of electric supply competition), additional comments for the limited purposes of this rulemaking—protecting customers by requiring EGSs to provide enhanced disclosure statements—are unnecessary. Both governmental and other stakeholder resources will be saved by forgoing the extensive formal notice and comment rulemaking process. Accordingly, the public interest is better served through administrative streamlining in this Final-Omitted Rulemaking pursuant to the Commonwealth Documents Law, 45 P. S. § 1204.

In an effort to obtain comments on proposed changes to our Disclosure Regulations, on March 19, 2014, the Commission issued a Secretarial Letter alerting affected parties of the intention to promulgate a Final-Omitted Rulemaking that would amend existing Regulations at 52 Pa. Code, Chapter 54, to revise disclosure statement requirements for residential and small business customers. Rulemaking to Amend the Provisions of 52 Pa. Code, Section 54.5 Regulations Regarding Disclosure Statement for Residential and Small Business Customers and to Add Section 54.10 Regulations Regarding the Provision of Notices of Contract Renewal or Changes in Terms, Docket No. L-2014-2409385, (Secretarial Letter served Mar. 19, 2014) (Secretarial Letter). This Secretarial Letter noted that while some amendments would codify, with modifications, existing contract renewal/change in terms notice requirements, other changes raise new issues that had not previously been considered. As a result, the Commis-

sion requested comments on its proposed regulations in order to give an opportunity for those entities most affected to provide feedback.

The Commission received comments related to these and other issues regarding the effect the proposed amendments would have on the Commission's existing regulations and EGS operations. Comments were filed by the following parties: Representatives Godshall and Daley, OCA, OSBA, Citizen Power, UGIES, WGES, Constellation, IGS, RESA, NRG, Alphabuyer, NEM and FES.

The Commission also received a letter, dated March 18, 2014, from Senators Tomlinson and Boscola suggesting that our regulations regarding disclosure statements be revised immediately. The letter also stated that customers should be provided with more information regarding the prices to be paid and the variability that may occur if enrolled in a variable-price contract.

In addition, two residential customers e-mailed either the Commission's website or www.PaPowerSwitch.com with comments regarding the Commission's proposed regulatory changes to EGS disclosure statements, as well as changes to customer notices regarding "contract renewals" and "changes in terms."

One customer, Mr. David Tranquillo, was supportive of changes to contract terms and conditions, including rebates and incentives, being explained "in bold print in a size larger than the rest of the offer." Another customer, Mr. Ron Brenize, was supportive of changes that would require suppliers to notify customers of rate increases via mail, e-mail, or on the bill. He added "this would give the consumer time to review and make changes if they desire."

WGES, OSBA, OCA, Representative Godshall and Representative Daley expressed concern with the Commission's decision to move forward with drafting this regulation using the Final-Omitted Rulemaking process. WGES Comments at 2, 7, OSBA Comments at 1, 2, and OCA Comments at 1-3. Conversely, UGIES, Alphabuyer, Constellation, Senator Tomlinson, and Senator Boscola commended the Commission for immediately moving forward with revising the disclosure regulations.

We agree with the comments of UGIES, Alphabuyer, Constellation and Senators Tomlinson and Boscola that it is in the public interest to proceed with this rulemaking using the Final-Omitted Rulemaking process. Senators Tomlinson and Boscola requested that the Commission, "Immediately begin revising the regulations addressing the notification electric suppliers must provide to customers regarding variable rates and the end of fixed rate offerings." Tomlinson/Boscola letter at pg. 1. As the Commission discussed previously in this Final-Omitted Rulemaking, the Commission finds good cause that undergoing the traditional notice and comment procedures for these regulations is impracticable, unnecessary, and contrary to the public interest. In light of the recent high number of informal and formal complaints filed before the Commission, the possible damage these complaints will have on the ongoing success and operation of the competitive retail electric market in the Commonwealth and the more important need for residential and small commercial customers to enter into contracts which they fully understand, the Commission believes it is essential to the public interest to act promptly and expeditiously to amend these regulations using the Final-Omitted process.

Additionally, as previously mentioned, the Commission has undertaken many recent immediate measures to ensure that customers are better educated about their

options when participating in the competitive retail electric market. We have provided enhanced information to explain price fluctuations in variable rates and the differences between fixed versus variable rates on the Commission's website and PaPowerSwitch.com. We have also provided information and guidance via press releases and other media outlets to educate customers with their options when presented with a high billing complaint. However, while the Commission believes those initial steps were informative, as discussed, we believe the public interest is even better served by the promulgation of these Final-Omitted regulations included herein.

Through its Retail Markets Investigation and OCMO, the Commission has created a "democratic process for participation" in the formulation of standards governing retail electricity shopping at 52 Pa. Code §§ 54.1—54.9 "to increase [] the likelihood of administrative responsiveness" to the needs and concerns of stakeholders and interested parties. See *Rushton Min. Co.*, 591 A.2d at 1171. Therefore, this Final-Omitted Rulemaking still meets the intent of a de novo rulemaking with formal notice and comment without risking promulgation of an agency regulation not in the public interest.

Statutory Safeguards Prevent Promulgation of an Agency Regulation not in Public Interest

Importantly, Final-Omitted Regulations are subjected to the same review before IRRC as review of final-form regulations. See 71 P.S. §§ 745.5a—745.6. IRRC, the legislative committees, and the Attorney General may still comment on the final-form regulation. 71 P.S. § 745.5a(c). IRRC or a committee may disapprove the Final-Omitted Regulation. See 71 P.S. §§ 745.5a—745.7. IRRC may also request and receive public comments up to 48 hours prior to IRRC's public meeting where the final-form regulation will be ruled upon. 71 P.S. § 745.5a(j). If IRRC does not disapprove the Final-Omitted Regulation within its statutory time frame, the Final-Omitted Regulation will be deemed approved. 71 P.S. § 745.5a(e). An agency may accept revisions to the Final-Omitted Regulations, as recommended by IRRC or a committee. 71 P.S. § 745.5a(g). An agency may also toll the time for review in order to provide the agency with sufficient time to make recommended changes suggested by IRRC or the committees. See *id.* An agency may also withdraw a Final-Omitted Regulation. Upon receiving a report from the agency regarding revisions to the Final-Omitted Regulations, IRRC will deliver an approval or disapproval order to the committees for consideration by the General Assembly and the Governor, both of which retain powers to prevent promulgation of the agency's Final-Omitted Regulation. See 71 P.S. § 745.7(c.1)—(d). Therefore, statutory safeguards are in place to prevent promulgation of an unreasonable agency regulation not in the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on April 8, 2014, the Commission submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 21, 2014, the final-omitted rulemaking was deemed

approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 22, 2014, and approved the final-omitted rule-making.

Conclusion

The revisions made to the Disclosure Statement Regulations, including the addition of the EGS Contract Summary and Section 54.10, Notice of Contract Expiration or Change in Terms, are intended to increase consumer protection and better inform customers about the scope and limits of rate variability, the terms and conditions of an EGS contract, and a customer's options prior to and after the expiration of their current contract for generation supply. The regulations, as now revised after consideration of comments from affected parties, provide for enhanced information from EGSs to customers who enter into variable-priced contracts and for the inclusion of information about what will happen to a customer's current supply contract if the customer does not respond to either the Initial or Options Notices. This information will ensure that customers will have this information at hand when considering the various alternatives for purchasing future electric generation supply.

Well-informed customers are essential participants in a successful competitive retail market. We have recently seen first-hand the frustrations of customers enrolled in variable-priced contracts who are not sufficiently aware of potentially significant price increases due to fluctuating wholesale market conditions. By updating these regulations to provide customers with accurate, timely pricing information and history when they are shopping for electric generation supply, we intend to create a more user-friendly marketplace that should continue to attract increased numbers of customers.

The Commission believes that this Final-Omitted Rule-making is prudent and is essential to the public interest. For the previous reasons, the exceptions to the notice of proposed rulemaking requirements enunciated in § 1204(3) are applicable in the instant case. Accordingly, under sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); the Commonwealth Documents Law (45 P. S. § 1204); the Regulatory Review Act (71 P. S. §§ 745.1 et seq.); the Commonwealth Attorneys Act (71 P. S. § 732-204); and the regulations promulgated at 1 Pa. Code § 7.4, the Commission adopts the regulations at 52 Pa. Code §§ 54.5 and 54.10, as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 54, are amended by adding § 54.10 and amending § 54.5 to read as set forth in Annex A.

2. The Secretary shall submit this order, Attachment A and Annex A to the Attorney General for review and approval and to the Governor's Budget Office for fiscal review.

3. The Secretary shall submit this order, Attachment A and Annex A to the legislative standing committees and to the Independent Regulatory Review Commission for review and approval.

4. The Secretary shall duly certify this order, Attachment A and Annex A and deposit them with the Legislative Reference Bureau for final publication upon approval by the Independent Regulatory Review Commission.

5. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

6. The Commission's Office of Competitive Market Oversight provide further direction to currently licensed EGSs serving residential and/or small business customers regarding the submission of EGS Contract Summaries to the Commission.

7. This order, Attachment A and Annex A, revising the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 54 relating to Electricity Generation Customer Choice, be served on all licensed Electric Generation Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and those parties who submitted comments at Docket Nos. L-2014-2409385 and M-2010-2195286.

8. The Office of Competitive Market Oversight shall electronically send a copy of this final-omitted rulemaking order, Attachment A and Annex A to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity, and to all persons on the contact list for the Investigation of Pennsylvania's Retail Electricity Market, order entered April 29, 2011 at Docket No. I-2011-2237952.

9. A copy of this final-omitted rulemaking order, Attachment A and Annex A shall be posted on the Commission's web site at the Office of Competitive Market Oversight web page and on the web page for the Investigation of Pennsylvania's Retail Electricity Market.

10. The contact persons for this matter are Matthew Hrivnak in Bureau of Consumer Services (717) 783-1678 and Patricia Wiedt in the Law Bureau (717) 787-5755.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 3470 (June 7, 2014).)

Fiscal Note: 57-305. No fiscal impact; (8) recommends adoption.

**Attachment A
Electric Generation Supplier Contract Summary**

<i>Electric Generation Supplier Information</i>	Name, telephone number, website, etc. Plain language statement that EGS is responsible for generation charges.
<i>Price Structure</i>	Fixed or variable. If variable, based on what? If variable, how often is the rate expected to vary? If variable, give any applicable ranges/ceilings. If no ranges/ceilings, a plain language statement indicating this fact. If variable, describe when the customer will receive notification of price changes in relation to time of month, final monthly meter read, billing cycle or when the price takes effect.

<i>Generation / Supply Price</i>	\$/kWh or ¢/kWh. If variable rate, the first billing cycle's rate. Any introductory rate with length of term.
<i>Statement Regarding Savings</i>	Plain language that the supply price may not always provide savings to the customer
<i>Deposit Requirements</i>	Any deposit requirements necessary for a customer and any terms associated with that deposit, in plain language.
<i>Incentives</i>	Any bonuses, discounts, cashback, etc. offers and any associated terms, in plain language.
<i>Contract Start Date</i>	Plain language regarding start of EGS service (meter reads/billing cycles/etc.)
<i>Contract Term / Length</i>	In months, billing cycles, etc.
<i>Cancellation / Early Termination Fees</i>	Yes or no. If yes, describe the amount of the fee and how to avoid that fee, if possible.
<i>Renewal Terms</i>	Treatment of customer at end of contract. Timing of notices. No cancellation/early termination fees. In plain language.
<i>Electric Distribution Company Information</i>	Name, telephone number, website, etc. Plain language statement that EDC is responsible for distribution charges, as well as any emergencies/outages/etc.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter A. CUSTOMER INFORMATION

§ 54.5. Disclosure statement for residential and small business customers.

(a) The agreed upon prices in the disclosure statement must reflect the marketed prices and the billed prices.

(b) The EGS shall provide the customer written disclosure of the terms of service at no charge whenever:

- (1) The customer requests that an EGS initiate service.
- (2) The EGS proposes to change the terms of service.
- (3) Service commences from a default service provider.

(c) The contract's terms of service shall be disclosed, including the following terms and conditions, if applicable:

(1) Generation charges shall be disclosed according to the actual prices.

(2) The variable pricing statement must include:

(i) Conditions of variability (state on what basis prices will vary).

(ii) Limits on price variability:

(A) If there is a limit on price variability, such as a specific price cap, a maximum percentage increase in price between billing cycles or minimum/maximum charges per kilowatt-hour for electricity during the term of the contract, the EGS shall clearly explain the applicable limits.

(B) If there is not a limit on price variability, the EGS shall clearly and conspicuously state that there is not a limit on how much the price may change from one billing cycle to the next.

(iii) The price to be charged, per kilowatt-hour, for the first billing cycle of generation service.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

- (i) The starting date.
- (ii) The expiration date, if applicable.

(5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(6) An explanation of prices, terms and conditions for special services, including advanced metering deployment, if applicable.

(7) The cancellation provisions, if applicable.

(8) The renewal provisions, if applicable.

(9) The name and telephone number of the default service provider.

(10) An explanation of limits on price variability, penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service.

(11) Customer contact information that includes the name of the EDC and EGS, and the EGS's address, telephone number, Commission license number and Internet address, if available. The EGS's information must appear first and be prominent.

(12) A statement that directs a customer to the Commission if the customer is not satisfied after discussing the terms of service with the EGS.

(13) The name and telephone number for universal service program information.

(14) For contracts with variable pricing, the EGS must provide:

(i) A telephone number and Internet address at which a customer may obtain the previous 24 months' average monthly billed prices for that customer's rate class and EDC service territory. If an EGS has not been providing generation service in a rate class and EDC service

territory for 24 months, the EGS shall provide the average monthly billed prices for the months available to date.

(ii) In plain language, a statement that historical pricing is not indicative of present or future pricing.

(d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement.

(1) The 3-day right of rescission is 3 business days.

(2) The 3-day right of rescission begins when the customer receives the written disclosure.

(3) The customer may cancel in writing, orally or electronically, if available.

(4) Waivers of the 3-day right of rescission are not permitted.

(e) Definitions for generation charges and transmission charges, if applicable, are required and shall be defined in accordance with the "Common Electric Competition Terms." Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill must be distinctly separate.

(f) The EGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Generation prices and charges are set by the electric generation supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(3) "The Federal Energy Regulatory Commission regulates transmission prices and services."

(g) Disclosure statements must include the following customer notification: "If you have a fixed term contract approaching the expiration date, or whenever we propose to change the terms of service in any type of contract, you will receive two separate written notifications that precede either the expiration date or the effective date of the proposed changes. These notifications will explain your options going forward."

(h) If the default service provider changes, the new default service provider shall notify customers of that change, and provide customers with its name, address, telephone number and Internet address, if available.

(i) The EGS shall provide, with the disclosure statement, a separate EGS contract summary in a format provided by the Commission.

§ 54.10. Notice of contract expiration or change in terms for residential and small business customers.

An EGS shall provide the following notices to customers prior to the expiration of a fixed term contract or prior to a change in contract terms:

(1) An initial notice shall be provided to each affected customer 45 to 60 days prior to the expiration date of the fixed term contract or the effective date of the proposed change in terms. For customers who have elected to receive electronic communications from the EGS, the notice shall be transmitted in the manner chosen by the customer. The initial notice must include:

(i) A general description of the proposed change in terms of service.

(ii) The date a change shall be effective or when the fixed term contract is to expire.

(iii) An explanation of why a change in contract terms is necessary.

(iv) A statement indicating when a follow-up options notice shall be issued with details regarding the proposed change.

(v) A statement explaining that the options notice must discuss the customer's options to the proposed change in terms of service or expiring fixed term contract.

(vi) A statement indicating whether the existing fixed term contract has a cancellation fee, and an explanation of the fee amount and how to avoid the fee, if possible, including notice of the date when the customer can choose a different product from the customer's existing EGS, choose an alternative EGS or return to default service.

(2) An options notice shall be provided, by first class mail, to each affected customer at least 30 days prior to the expiration date of the fixed term contract or the effective date of the proposed change in terms. The options notice must include:

(i) A statement advising the customer of the specific changes being proposed by the EGS and informing the customer of how to exercise the customer's options, including the customer's ability to accept the proposed changes, to choose another product offering from the customer's existing EGS, to select another EGS or to return to default service.

(ii) Information regarding new pricing or renewal pricing including the price to be charged, per kilowatt-hour, for the first billing cycle of generation service:

(A) If a customer fails to respond to the options notice and is converted to a month-to-month contract, the EGS shall provide a disclosure statement under § 54.5 (relating to disclosure statement for residential and small business customers).

(I) Notice of a subsequent change in pricing shall be provided to the customer at least 30 days prior to the new price being charged.

(II) For customers who have elected to receive electronic communications from the EGS, notice of the change in pricing shall be transmitted in the manner chosen by the customer. For all other customers, notice shall be provided by first class mail.

(B) If a customer fails to respond to the options notice and is entered into a new fixed term contract, the EGS shall provide the fixed, per kilowatt-hour price to be charged and term length of the contract.

(iii) The telephone numbers and Internet addresses, as applicable, for the Office of Consumer Advocate, the Commission and PaPowerSwitch.com.

(iv) Language clearly visible on the front of the envelope used to provide the options notice stating that it contains important information regarding the expiration or changes in terms of the customer's electric supply contract.

(3) When a customer fails to respond to either notice, the following apply:

(i) A fixed term contract shall be converted to one of the following:

(A) A month-to-month contract, either at the same terms and conditions or at revised terms and conditions, as long as the contract does not contain cancellation fees.

(B) Another fixed term contract, as long as the new contract includes a customer-initiated cancellation provi-

sion that allows the customer to cancel at any time, for any reason, and does not contain cancellation fees.

(ii) The converted contracts shall remain in place until the customer chooses one of the following options:

- (A) Select another product offering from the existing EGS.
- (B) Enroll with another EGS.
- (C) Return to the default service provider.

[Pa.B. Doc. No. 14-1246. Filed for public inspection June 13, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 57]

[L-2014-2409383]

Standards for Changing a Customer’s Electricity Generation Supplier

The Pennsylvania Public Utility Commission (Commission), on April 3, 2014, adopted a final-omitted rule-making order amending regulations regarding standards for changing a customer’s electricity generation supplier.

Executive Summary

The Commission has issued a Final-Omitted Rule-making Order to amend and add regulations at 52 Pa. Code §§ 57.171—57.178 that address the process for transferring a customer’s account from a default service provider to a competitive electric supplier (EGS or supplier) and from one supplier to another supplier. The regulations are intended to facilitate this process while preserving safeguards to prevent the unauthorized switching of a customer’s account, also known as “slamming.” Due to changes in the competitive retail electric market and the advent of new technologies since the adoption of these regulations, the Commission has reviewed these regulations, previous relevant orders, and comments from the public and interested parties seeking to accelerate the switching process. These revised regulations facilitate accelerated switching without endangering safeguards against unauthorized switching.

Public Meeting held
April 3, 2014

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 57 Regulations Regarding Standards for Changing a Customer’s Electricity Generation Supplier; L-2014-2409383

Final-Omitted Rulemaking Order

By the Commission:

The Commission adopts this Final-Omitted Rulemaking Order to amend and add to our regulations at 52 Pa. Code §§ 57.171—57.179 that address the process for transferring a customer’s account from a default service provider to a competitive electric generation supplier (EGS or supplier), from one supplier to another supplier and from a supplier to default service. The regulations are intended to facilitate this process while preserving safeguards to prevent the unauthorized switching of a customer’s account, also known as “slamming.” These regulations were adopted on May 21, 1998 and became

effective November 21, 1998.¹ Due to changes in the competitive retail electric market and the advent of new technologies since the adoption of these regulations, the Commission has reviewed these regulations, previous relevant orders, and comments from the public and interested parties regarding an accelerated switching process. With this Order, the Commission revises its regulations to facilitate accelerated switching without endangering safeguards to protect customers against unauthorized switching.

In adopting the Interim Guidelines Regarding Standards for Changing a Customer’s Electricity Generation Supplier, the Commission has already considered and implemented a temporary mechanism to shorten the switching process. Final Order, Docket No. M-2011-2270442 (entered Oct. 25, 2012) (hereinafter October 2012 Interim Guidelines). In those October 2012 Interim Guidelines, the Commission waived Sections 57.173 and 57.174 of the Commission’s regulations at Title 52 of the *Pennsylvania Code* and reduced the confirmation waiting period from ten days to five days.² Id. Additionally, the Commission directed staff to consider permanent changes to the switching regulations. As of June 2013, all of the major electric distribution companies (EDCs) have instituted the shorter confirmation period.³ Through its Office of Competitive Market Oversight (OCMO), the Commission has deliberated over its switching regulations by holding stakeholder initiatives and issuing orders in the past few years. On March 18, 2014 the Commission issued a Secretarial Letter, served on all jurisdictional EDCs, seeking comments on proposed regulations before issuing this Final-Omitted Rulemaking Order. See Proposed Rulemaking: Standards For Changing a Customer’s Electricity Generation Supplier, Docket No. L-2014-2409383. In light of this deliberation and the recent wave of complaints filed with the Commission concerning energy price increases in the winter of 2014, the Commission believes acting promptly and expeditiously to amend its regulations serves the public interest.

For reasons more fully explained herein, the Commission finds good cause that undergoing the traditional notice and comment procedures for these regulations is impracticable, unnecessary, and contrary to the public interest. See 45 P. S. § 1204(3). Upon finding good cause, we issue this Final-Omitted Rulemaking Order to amend and add to our regulations at 52 Pa. Code §§ 57.172—57.179 in order to ensure that consumers may easily and quickly switch electric suppliers in an effort to mitigate potential adverse price impacts related to variable contracts and fluctuations in the wholesale and retail energy markets.

Background

The Commission’s statutory authority for the existing switching regulations arises from Section 2807(d)(1) of the Public Utility Code, 66 Pa.C.S. § 2807(d)(1). This Section requires the Commission to:

Establish regulations to ensure that an electric distribution company does not change a customer’s electricity supplier without direct oral confirmation from

¹ See Revised Final Rulemaking Order re: Rulemaking Order Establishing Standards for Changing a Customer’s Electric Supplier, Docket L-00970121 (entered July 7, 1998); see also 28 Pa.B. 5770.

² The October 2012 Interim Guidelines also waived the analogous gas-industry regulations found at 52 Pa. Code §§ 59.93 & 59.94. These gas-industry regulations may be addressed in a separate proceeding. See Investigation of Pennsylvania’s Retail Natural Gas Supply Market, Order at Docket No. I-2013-2381742 (entered Sep. 12, 2013).

³ See Recap of the August 2013 CHARGE conference call, available at http://www.puc.pa.gov/utility_industry/electricity/electric_competitive_market_oversight.aspx (discussing EDC implementation of the 5-day confirmation period).

the customer of record or written evidence of the customer's consent to a change of supplier.

66 Pa.C.S. § 2807(d)(1).

Following this statutory directive, the Commission promulgated regulations in 1998 to address the supplier switching process and to guard against "slamming." These regulations are found at 52 Pa. Code §§ 57.171—57.179 (relating to standards for changing a customer's EGS) and set forth the following timeframes for the switching process:

- Section 57.173(1) requires the EGS to notify the EDC of the customer's selection "by the end of the next business day following the customer contact." However, the Commission has waived this provision for instances where the customer's service is not to start until some distant, future date. See Petition of PP&L Energy Plus Co., Docket No. P-00991673, 1999 WL 641179 (Order entered June 29, 1999).

- Section 57.173(2) requires the EDC to mail a 10-day confirmation letter to the customer "by the end of the next business day following the receipt of the notification of the customer's selection of an EGS." This regulation also states that "[t]he 10-day waiting period shall begin on the day the letter is mailed." *Id.* This 10-day waiting period is intended to give the customer time to contact the EDC to cancel the switch of supplier in cases where the customer did not authorize the switch of supplier. Notably, this 10-day waiting period is made available to cancel switches in instances of slamming and not intended to act as a contract rescission period. See *Re: Nor Am Energy Management, Inc.*, Docket No. P-00981625, 1999 WL 632769 (Order entered Feb. 12, 1999). As explained above, this 10-day waiting period was reduced to 5-days by the Commission through the Final Order in the October 2012 Interim Guidelines, Docket M-2011-2270442.

- Section 57.174 requires the EDC to make the change at the beginning of the first feasible billing period following the 10-day waiting period.

Customer information regulations at 52 Pa. Code §§ 54.1—54.9 (relating to customer information) also include timeframes that affect the switching process for residential and small commercial customers:

- Section 54.5(d) requires that customers be provided "a 3-day rescission period following receipt of the disclosure statement."

- Sections 54.5(d)(1) and (2) state that the 3-day rescission period is "3 business days" and "begins when the customer receives the written disclosure."

History of the Commission's Review of Its Switching Regulations

Based on customer complaints and supplier concerns and at the request of the Commission, in 2011 OCMO started exploring options to shorten the timeframe for switching a customer to another supplier. At that time, a change in supplier could take from 16 to 45 days. This switching timeframe was the result of a variety of Commission regulations as noted above, as well as EGS and EDC procedures that were established in large part to guard against slamming. The delay in transferring a customer's account has been perceived by consumers to be a lost "savings opportunity" that results in customer frustration, disappointment, and a less than favorable opinion of the competitive retail market. Because customer satisfaction is key to the success of any retail market, OCMO became concerned that the length of the

switching timeframes had become an impediment to achieving an effective competitive retail electric supply market in Pennsylvania.

To understand the mechanics behind the current switching process, OCMO had informal discussions with a number of EDCs. OCMO also consulted with regulators from Texas and Maryland to learn about their enrollment timeframes and any steps they have taken to accelerate the switching process. Finally, OCMO presented this topic to the CHARGE⁴ working group on March 24, 2011, in order to obtain the perspectives of the EGSs, OCA, and other interested parties. With the initiation of the Retail Markets Investigation (RMI) in 2011, it was decided to bring this issue to that forum as well and to give RMI participants an opportunity to present their perspectives and concerns.⁵ OCMO's working group met 19 times between March 24, 2011 and February 7, 2013 to discuss the issue of Accelerated Supplier Switching Timeframes.⁶

OCMO examined EDC procedures, some of which were adopted to comply with the above-cited regulations but also impact the time needed for a customer to switch suppliers. Supplier switches are executed based on meter read dates according to the customer's regular meter-reading schedule for billing purposes. Before the above mentioned October 2012 Interim Guidelines went into effect, EDCs had what was commonly referred to as the "16-day rule," which included the 10-day confirmation period required by 52 Pa. Code § 57.173(2), plus additional days for the EDC to process the customer account transfer. PJM Interconnection, LLC (PJM) rules related to capacity and transmission obligations also require a minimum of two days' notice prior to the transfer of customer accounts.

Under the foregoing procedures, an EDC has to be informed of the customer's supplier selection at least 16-days prior to the customer's next meter read for the switch to occur at the next meter read. If the EDC does not receive at least 16-days' notice, a supplier switch has to wait until the following meter read. This means that under previous rules, a supplier switch could be performed in as little as 16 days, or as long as 45 days.

The possibility of using mid-cycle, off-cycle, or estimated meter reads was considered as a means to shorten the switching timeframe. This solution would be dependent on the current metering capabilities of the EDCs. The capabilities of metering systems currently used by EDCs vary significantly. Some EDCs have advanced metering systems,⁷ while others still utilize traditional basic meters that require field visits and manual readings to obtain metering information. In fact, some EDCs only read customer meters on a bi-monthly basis and issue estimated bills during the non-read months. This range in metering capabilities and practices complicates any attempt at moving immediately to a mid-cycle read protocol.

The implementation of smart meter technology may offer the answer as smart meters may be able to support mid-cycle reads and short-period bills. The Commission discussed the use of advanced metering in the context of supplier switching in the Final Order in the Commission's

⁴ CHARGE participants include EDCs, EGSs, industry trade organizations, consumers, the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate (OSBA).

⁵ RMI participants include EDCs, EGSs, residential, small business and industrial consumer representatives and other interested parties. For more information on the Commission's RMI, see the Commission's web page at http://www.puc.pa.gov/utility_industry/electricity/retail_markets_investigation.aspx.

⁶ See Master List of CHARGE Agenda Items. Pa. Public Utility Commission, OCMO, at 16. Available at http://www.puc.pa.gov/electric/pdf/OCMO/CHARGE_Issues-Master_List.pdf.

⁷ Note that these advanced meters are generally not classified as "smart meter technology" as defined at 66 Pa.C.S. § 2807(g) (relating to duties of electric distribution companies), but have a capability to be read remotely.

Investigation of Pennsylvania's Electricity Market: End State of Default Service. Docket No. I-2011-2237952 (Order entered Feb. 15, 2013). (End State Final Order). On page 73 of the End State Final Order, the Commission noted that:

To date, most of the discussion on the use of advanced metering has centered on their use in billing and load management. However, we believe that this discussion has to be expanded to also consider their role in the supplier switching process.

While we acknowledge that it may be several years before all the large EDCs have completed their deployment of advanced metering, this does not prevent us from now considering their role in the switching process. Ideally, we would like to have regulations in place so that these new metering capabilities can be used to their best advantage soon after their deployment.

Current EGS procedures were also examined by OCMO to determine if changes could be made to shorten the switching timeframe. Some supplier practices may adversely affect the switching process timeframes. For example, the practice of batching enrollments before sending them to the EDC instead of sending enrollments to the utility one at a time may unnecessarily delay account transfers. As noted above, the Commission has waived the provision of 52 Pa. Code § 57.173 that requires the EGS to notify the EDC of the customer's selection "by the end of the next business day following the customer contact" in instances where the customer's service is not to start until some distant, future date. See October 2012 Interim Guidelines, Docket No. M-2011-2270442. However, under the color of that waiver, EGSs may be holding enrollments for reasons other than future service dates. Additionally, some EGSs hold enrollments and do not submit them to the EDC until the last day of the 3-day right of rescission period provided for in 52 Pa. Code § 54.5(d).

OCMO's exploration of these issues culminated in a November 10, 2011 Tentative Order, which proposed several options to accelerate switching timeframes. Interim Guidelines Regarding Standards For Changing a Customer's Electricity Generation Supplier, Docket M-2011-2270442 (Order entered Nov. 14, 2011). In the Tentative Order we declared that changing the 3-business day rescission period at 52 Pa. Code § 54.5 is not feasible because it reflects existing Pennsylvania consumer contract law. Id. at 9; see Unfair Trade Practices and Consumer Protection Law, 73 P.S. §§ 201-1—201-9.3. Federal law also requires a 3-business day "cooling off period" for door-to-door transactions. Rule Concerning Cooling-Off Period for Sales Made at Homes or at Certain Other Locations, 16 CFR Part 429. Further, we saw no point in changing the "first feasible billing period" language in 52 Pa. Code § 57.174 unless we first changed all of the other timeframes and requirements that necessitate the current switching timeline.

Instead, we focused on the confirmation waiting period during which the EDC holds the enrollment request in order to give the customer an opportunity to respond to the confirmation letter. In our November 10, 2011 Tentative Order, we proposed to eliminate the 10-day waiting period. We also raised the possibility of off-cycle meter readings to effectuate switching.

Seventeen parties filed comments in response to the Tentative Order. October 2012 Interim Guidelines, at 2. Those parties were AARP/Pennsylvania Utility Law Project/Community Legal Services Inc. (AARP/PULP/CLS); Columbia Gas of Pennsylvania (Columbia Gas); DTE Energy Supply Inc. (DTE Energy); Duquesne Light

Company (Duquesne); Energy Association of Pennsylvania (EAP); FirstEnergy Solutions Corp. (FE Solutions); Industrial Customer Groups; Metropolitan Edison, Pennsylvania Electric Company, Pennsylvania Power Company, West Penn Power (collectively FirstEnergy); National Energy Marketers Association (NEMA); Office of Consumer Advocate (OCA); PA Energy Marketers Coalition (PEMC); PECO Energy Company (PECO); Philadelphia Gas Works (PGW); PPL Electric Utilities (PPL); Retail Energy Supply Association (RESA); Verde Energy USA (Verde Energy); and Washington Gas Energy Services, Inc. (WGES).

In the comments to the October 2012 Interim Guidelines, the parties generally supported reducing customer wait time for switching suppliers. EAP, PECO, PPL, and AARP/PULP/CLS commented that enacting those changes would be better facilitated through the rulemaking process, as we are doing here, instead of through guidelines issued via Commission order. See Docket No. M-2011-2270442, at 12. RESA observed that shortening the switching timeframe is important because the current switching process is "grossly out of line with standards for service in other industries." Id. at 13 (citing RESA Comments at 1-2). NEMA supported the proposed guidelines as a reasonable step to achieving customer switching on a timelier basis, recognizing current metering technology. Id. (citing NEMA Comments at 2). Similarly, PEMC observed that the proposed guidelines would achieve the delicate balance between strengthening the competitive energy market while ensuring strong consumer protections. Id. (citing PEMC Comments at 2). FE Solutions believed that the 16- to 45-day time period for switching is too long and supported the proposed guidelines. Id. (citing FE Solutions Comments at 1-2).

After careful review and consideration of the comments, we decided that instead of the complete elimination of the 10-day confirmation period at 52 Pa. Code § 57.17, we would retain the confirmation period but shorten it to five days. We would then gauge the impact of this change before considering the elimination of the confirmation period altogether. In light of other Commission priorities and projects we had recently imposed on the EDCs, we decided not to require the use of off-cycle readings at that time. As such, we issued a Final Order that provided interim guidelines to shorten the confirmation waiting period from 10 to 5 days. Id. at 12-14. We believed that a 5-day period provided sufficient notice for customers while also shortening supplier switching timeframes. At the same time, we reserved taking more substantial actions until after we observed the impact of the change from 10 to 5 days.

In an Order adopted at its February 20, 2014 Public Meeting, the Commission opened a proceeding to examine current rules, policies and consumer education measures regarding variable rate retail electric products. Review of Rules, Policies and Consumer Education Measures Regarding Variable Rate Retail Electric Products, Docket No. M-2014-2406134, (Order entered Mar. 4, 2014) (Variable Rate Order) at 4-5, citing 66 Pa.C.S. § 2807(d). In the Variable Rate Order, the Commission expressed particular concern for customers receiving their electric supply service from an EGS under a contract with a monthly adjusted variable rate. Id. at 4. Therefore, the Commission sought to learn about and facilitate mid-cycle supplier switching so that customers can respond more rapidly to retail market price offers and mitigate potential price increases associated with variable-priced contracts. Id.

The March 18, 2014 Secretarial Letter Seeking Public Comments

In an effort to obtain more feedback from stakeholders on proposed changes to the standards for changing a customer's electric generation supplier included in this Final-Omitted Rulemaking Order, the Commission issued a Secretarial Letter on March 18, 2014, alerting affected parties of the Commission's intent to promulgate a Final-Omitted Rulemaking that would amend the existing regulations at 52 Pa. Code, Chapter 57. On March 18, 2014, the Commission served the Secretarial Letter on all jurisdictional EDCs, OCA, OSBA, and EAP, seeking comments on proposed regulations, within seven business days to allow the Commission to carefully review the comments and further deliberate before issuing this Final-Omitted Rulemaking Order. In an Annex attached to the Secretarial Letter, the Commission included proposed language changes to 52 Pa. Code §§ 57.172—57.179.

On March 18, 2014, the Commission received a letter addressed to Chairman Robert F. Powelson from Senators Robert M. Tomlinson and Lisa M. Boscola of the Senate Consumer Protection and Professional Licensure Committee, asking the Commission to begin revising its regulations to accelerate the supplier switching process.

In a March 25, 2014 letter addressed to the Commissioners, Pennsylvania Governor Tom Corbett commended the PUC for advancing this rulemaking to accelerate the timeframe for effectuating a switch in a customer's choice of electric supplier. The Governor observed that while Pennsylvania has been recognized as having the second-most competitive retail electricity market in North America, there are still ample opportunities to enhance competitive markets and provide more consumer benefits.

On March 25, 2014, the Commission also received a letter from Representatives Robert W. Godshall and Peter J. Daley of the House Consumer Affairs Committee, applauding the Commission for moving forward to revise its switching regulations, but urging caution as to expediting the rulemaking due to the intent of their committee to address those same issues legislatively.⁸

Comments to the March 18, 2014 Secretarial Letter were filed by the Office of Small Business Advocate (OSBA); NEMA; the Industrial Customer Groups; the Public Utility Law Project (PULP); UGI Utilities, Inc.—Electric Division (UGI Electric); NRG Retail Northeast (NRG); RESA; EAP; PPL; OCA; the Electronic Data Exchange Working Group (EDEWG); WGES; Citizens' Electric Company of Lewisburg, PA and Wellsboro Electric Company (Citizens and Wellsboro); FE Solutions; FirstEnergy; PECO; UGI Energy Services, LLC (UGI Energy); Pike County Light & Power Co. (Pike County); Duquesne; and Anna Perederina.

The Customer Experience

Before moving forward with any regulatory changes, we must first carefully scrutinize the current customer experience with switching suppliers and the impact of the change from a 10-day to a 5-day confirmation period. Mindful that the primary objective of these regulations is to effectuate efficient switching of suppliers while protecting consumers from unauthorized switching, we will first examine "slamming" in the current marketplace.

One of the mechanisms available to gauge the level of slamming in the marketplace is the number of informal complaints filed with the Commission's Bureau of Consumer Services (BCS) that allege slamming. Since 2010,

there have been just over 1,100 such complaints, representing less than 20 percent of all informal complaints against EGSs. In the majority of these cases, after reviewing a customer's complaint and the EGS's supporting documentation, BCS determined that the slamming allegation was unfounded. Many of the allegations are merely manifestations of customer confusion, such as a customer misunderstanding the distinctions between the EGS and utility or a customer unaware that a spouse authorized the switch.

In addition, there have been instances of alleged slamming that have necessitated Commission action beyond the informal level.⁹ While the Commission is extremely concerned with and takes seriously any allegation of slamming, we believe that slamming incidents are relatively rare, when considering that over two million Pennsylvania consumers have been shopping for some time. Regardless, we again reiterate our long-standing "zero-tolerance" policy on slamming that we first enunciated in May 1998:

Today, we set in place the 'rules of the road' by which customers' requests to switch electric generation suppliers will be processed. We have observed other industries in which unauthorized customer switching, known as "slamming," has occurred. We wish to state now, up front and for the record: this Commission will have zero tolerance for slamming by any means and in any form.

Statement of Chairman Quain, Vice Chairman Bloom, Commissioner Hanger, Commissioner Rolka and Commissioner Brownell in Pennsylvania Electric Association Petition for Reconsideration of Rulemaking Order Establishing Standards for Changing Electric Suppliers, Docket Number L-00970121 (Public Meeting of May 21, 1998). In that same statement, the Commission continued:

Customer slamming is among the most serious violations of our rules and regulations. There is no grace period. There is no 'transition period' as far as slamming is concerned. You can count on this Commission imposing commensurate penalties quickly and without hesitation.

Id.

Additionally, Commission staff has been monitoring the impact of the October 2012 Interim Guidelines that reduced the confirmation period from ten days to five days. OCMO's discussions with the EDCs and its review of informal complaints filed during 2013 have revealed no significant problems resulting from the shortened confirmation period. However, we continue to receive numerous complaints, legislative inquiries, and media reports that highly criticize the existing switching procedures and regulations.¹⁰ This strongly demonstrates that our reduction in the confirmation period from ten to five days has not provided sufficient relief to adequately protect the public interest.

The mounting number of complaints¹¹ and recent wave of media attention responding to the increase in wholesale electric prices in January 2014 has magnified the need for urgency to respond thoroughly and expeditiously.

⁹ See *Pa. Public Utility Commission, Bureau of Investigation & Enforcement v. Energy Services Providers, Inc.* Docket No. M-2013-2325122 (Feb. 6, 2014); *Pa. Public Utility Commission, Bureau of Investigation & Enforcement v. Public Power, LLC*, Docket No. M-2012-2257858 (Dec. 19, 2013); *Pa. Public Utility Commission Law Bureau Prosecutory Staff v. Mxenergy Electric Inc.* Docket Number M-2012-2201861 (Dec. 5, 2013); see also *Pa. Public Utility Commission Bureau of Investigation & Enforcement v. IDT Energy Inc.* M-2013-2314312 (Oct. 17, 2013); and *Pa. Public Utility Commission Bureau of Investigation & Enforcement v. AP Gas & Electric (PA), LLC, d/b/a APG&E*, Docket M-2013-2311811 (Oct. 17, 2013).

¹⁰ See, e.g., Associated Press, "Many Pa. electric customers feeling rate shock as temperatures plummet, variable rates rise." *PennLive* (Mar. 9, 2014). Available at http://www.pennlive.com/midstate/index.ssf/2014/03/many_pa_electric_customers_fee.html.

⁸ House Bill No. 2104 was referred to the Committee on Consumer Affairs on March 17, 2014.

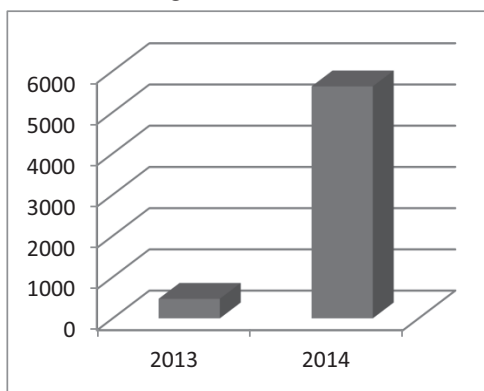
Due to extraordinary demand in the PJM¹² market caused by extreme cold weather, average wholesale day-ahead LMP¹³ prices for Pennsylvania in January 2014 were estimated at \$148/MWh, vs. \$44/MWh in December 2013. Estimated energy uplift charges, which are energy-related charges billed to suppliers in addition to LMP costs, also increased substantially in January 2014.¹⁴

As a result of these high PJM energy wholesale market prices, many EGSs serving Pennsylvania customers with variable-priced retail supply contracts needed to increase their retail prices to customers in order to recover the higher wholesale electric energy costs they incurred in January 2014. Some variable retail prices rose to a high of 28 cents per kWh. These dramatic and sudden price increases, coupled with higher than normal usage caused by the cold weather, especially at times of historic peak winter demand, resulted in a number of retail electric customers realizing very high electric bills in amounts two to three times (and even higher) than what they would normally be billed during this time of year.

This Commission has received a record number of inquiries and informal complaints related to EGS high bills over the last several weeks. It appears that most of the affected customers are participating in the competitive retail market and receiving electric supply service from an EGS under a contract with a variable rate that is adjusted monthly. The following chart and graph displays the number of informal complaints received by the Commission in the months of February and March 2014 compared to February and March 2013—the vast majority of these being related to billing and prices:

Number of Informal Complaints Filed Against EGSs in February-March 2013 and February-March 2014 compared:

2013:	473
2014:	5626
Difference:	5153
Percent Change:	+ 1089%



¹¹ Between January 1, 2014 and March 28, 2014, 500 formal complaints were filed with the Commission's Secretary's Bureau. The Commission's Bureau of Consumer Services (BCS) received 5,626 informal complaints between February 1, 2014 and March 28, 2014.

¹² PJM Interconnection is a regional transmission organization that oversees and manages the electricity grid for fifty million consumers in thirteen states and the District of Columbia. *New Jersey Bd. of Public Utilities v. FERC*, —F.3d—, 2014 WL 642943 at *3 (3d Cir. 2014).

¹³ Under LMP (Locational Marginal Price), "the price any given buyer pays for electricity reflects a collection of costs attendant to moving a megawatt of electricity through the system to a buyer's specific location on the grid." Id. at *4 (citing *Black Oak Energy v. FERC*, 725 F.3d 230, 233-4 (D.C. Circuit 2013)).

¹⁴ For more information about PJM wholesale prices, see historical pricing information posted on PJM's website at: <http://www.pjm.com/markets-and-operations/energy/real-time/monthlylmp.aspx>. For general information about PJM and the wholesale market, see PJM's "Learning Center" website at: <http://www.pjm.com/about-pjm/learning-center.aspx>.

At least 25 residential customers emailed comments to the March 18, 2014 Secretarial Letter on accelerated switching to the Commission's website or www.PAPowerSwitch.com. These customers, many whom identified themselves as variable-rate customers hit hard by price spikes this past winter, were unanimous in their support to significantly reduce the time to switch to a competitive supplier or return to default service. The majority of commenters expressed frustration with having to wait an additional billing cycle in order to switch out of their current contract, exposing them to greater market volatility and higher prices (from their current supplier) for up to 30 additional days. Some customers indicated that delays produced by current switching time frames seemed needless and cost them several hundred dollars while they waited to exercise their ability to switch suppliers.

Discussion

While the events in the wholesale electricity market in January 2014 were unprecedented, we believe that the re-occurrence of similar events is a clear possibility. In fact, the January 2014 price-spikes were rare in that they occurred in the winter, as electric price spikes are typically much more common in the summer. Furthermore, fluctuations and volatility in the wholesale interstate energy market could again contribute to unforeseen and unexpected surges in retail energy prices. As such, similar circumstances could potentially reoccur as early as this summer. It is also possible that the increasingly rapid shift in the electric generation market to gas-fired generation has produced increased uncertainty in electric wholesale markets. We simply do not have the experience with large-scale gas generation to predict with substantial certainty the implications in this rapidly changing market. While the movement to and greater reliance on natural gas certainly has its benefits (e.g., an abundant source of fuel coming from Pennsylvania) the impacts of this shift on wholesale and retail markets are not yet fully apparent or understood.¹⁵

Large fluctuations in wholesale and retail electricity prices again magnified and illuminated the sheer length of time it takes a customer to switch suppliers. A customer's ability to escape from a high-price product with a supplier is often frustrated by the switching timeframes currently in place, as a customer is often exposed to at least one more entire billing cycle beyond the billing cycle in which the customer requested to switch suppliers. This lag when switching is unacceptable. We routinely advise consumers impacted by high electric prices to "select a lower-cost supplier." However, for this to be an effective, meaningful course of action, switching must be easier and faster. We can no longer tolerate a scenario in which a customer is held captive for another entire billing cycle. This situation not only imposes unacceptable financial burdens on consumers, but also chills current consumer confidence in the competitive retail electric market and discourages potential shoppers from entering the market.

While the potential cost-savings benefits to consumers from accelerating the switching timeframes are readily apparent, we believe there are other benefits as well. For example, speeding up switching will help minimize impacts due to slamming and protect consumers when it does occur. With the current switching timeframes, a customer has to remain captive to the supplier that slammed them for an entire billing period, sometimes

¹⁵ For more information on current and future electric generation sources in Pennsylvania, see the Commission's "Electric Power Outlook for Pennsylvania 2012-17 Report," available at http://www.puc.state.pa.us/General/publications_reports/pdf/EPO_2013.pdf.

longer. This is unacceptable. If a customer can quickly escape a supplier that has “slammed” them, the customer’s exposure to financial harm will be significantly reduced. Furthermore, when a customer can quickly escape a “slammer” there will be less incentive for a supplier to slam a customer in the first place.

Furthermore, via a March 19, 2014 Secretarial Letter, the Commission initiated amendments to the regulations regarding disclosure statements for residential and small business customers through a concurrent Final-Omitted Rulemaking Order. See Rulemaking to Amend the Provisions of 52 Pa. Code, Section 54.5 Regulations Regarding Disclosure Statement for Residential and Small Business Customers and to Add Section 54.10 Regulations Regarding the Provision of Notices of Contract Renewal or Changes in Terms, at Docket No. L-2014-2409385. The intent of that proceeding is to increase consumer protections and better inform customers about the scope and limits of rate variability, the terms and conditions of an EGS contract, and a customer’s options prior to and after the expiration of their current contract for generation supply. The Commission believes that these enhanced disclosures will ensure that customers have the information they need when considering the various options for purchasing future electric generation supply. The Commission also believes that the additional disclosure requirements will further reduce the occurrence of slamming since customers will have more information about the options available to them.

Revisions to 52 Pa. Code §§ 57.171—57.179

Given the urgency, we think it is essential to revise our regulations as promptly and expeditiously as possible so that it takes no more than three days for customers to switch electric suppliers. Upon careful review and consideration of the aforementioned proceedings, stakeholder processes, and comments to the March 18, 2014 Secretarial Letter, and upon Commission review and deliberation, we find that the following changes and additions to 52 Pa. Code §§ 57.171—57.179 are essential and in the public interest.

§ 57.171. Definitions.

For clarification purposes only, we proposed new definitions in the March 18, 2014 Secretarial Letter for the following terms: Default service provider, Current EGS Product, and Selected EGS Product.

Comments

In response to our proposed new definitions, NRG recommends that the rules be revised to create two separate processes—one to switch suppliers and one to switch products. NRG believes that a separate process is needed for switch of product because the EDC, while involved in a switch of supplier, is not involved in a switch of product. NRG Comments at 2-3. RESA thinks that the switch in a supplier’s product should first be addressed in a stakeholder process and not in the current proceeding. RESA Comments at 2. FE Solutions likewise objects to including the switching of supplier products because it adds complexity and costs. FE Solutions Comments at 2-4. NEMA also expressed concern that applying the switching regulations to changes in products would be overly burdensome and contrary to the intent of the Commission’s regulations. NEMA Comments at 4. WGES finds the inclusion of “products” in these regulations is confusing. WGES Comments at 2. RESA recommends new definitions of “Customer Account Transfer Notice” for the notice an EGS must provide an EDC and “Customer Notice of Account Transfer” to refer to the notice that the

EDC provides to the customer. RESA Comments, Attachment A at 1. FirstEnergy, PPL, OCA and PECO ask that the term “default service provider” be used consistently and correctly. See, e.g., PPL Comments at 8.

Resolution

In addition to the switching of suppliers, we considered also including the switching of products in these regulations. However, after careful consideration, we agree with the above commenters that the focus of these regulation changes should be on the change of supplier and not a supplier’s products.

We think the two new definitions suggested by RESA are not necessary. We are unaware of any problems resulting from the absence of these definitions. For clarification purposes only, we add definitions for the following terms: Default service provider, Current EGS, and Selected EGS. We distinguish between a customer’s Current EGS and a customer’s Selected EGS to avoid potential confusion. We agree that default service provider should be used consistently in our regulations, as well as the Public Utility Code, by incorporating the statutory definition at 66 Pa.C.S. § 2803.

§ 57.172. Customer contacts with the EDC.

Comments

PPL believes that, with the exception of responding to slamming complaints, the EDC should avoid placing itself between the customer and the customer’s current EGS. PPL Comments at 8-9. PECO thinks the last sentence in paragraph (1) should specify the “standard offer program” instead of the proposed language which they believe is overly-broad. PECO Comments at 10-11.

OCA strongly supports allowing customers to contact the EDC to return to default service in order to address the situation where a customer is unable to reach anyone at the EGS. For clarity, OCA recommends using the terms “cancellation fee” or “early termination fee” instead of “financial penalty.” OCA Comments at 5-6. PULP thinks that the reference to a person authorized to act on a customer’s behalf is unnecessary, as this phrase is already included in the definition of customer. PULP Comments at 4. RESA suggests using the term “cancelling service” instead of “terminate” as to avoid confusion with the physical disconnection of service. RESA Comments at 3-4.

Resolution

We agree with the comments that suggest that this regulation needs to be revised by adding language providing for exceptions in the case of Commission-approved programs, such as the standard-offer programs that all of the major EDCs are currently operating. Accordingly, we will add the following sentence: “This notification requirement may not apply when a Commission-approved program requires the EDC to initiate a change in EGS service.” We disagree with PECO’s suggestion and decline to identify specific programs in regulations because this would deprive us of flexibility to accommodate future programs without necessitating a regulation change.

We agree with OCA’s comments regarding the allowance of a customer to contact an EDC in order to effectuate a switch and will include a provision allowing the customer to return to default service by contacting the EDC. We also agree with OCA and RESA and have used the term “cancellation” instead of “termination.” We agree with PULP that a reference to “person authorized to act on a customer’s behalf” is unnecessary and redundant, and therefore have removed this phrase.

§ 57.173. *Customer contacts with EGSs.*

Comments

PPL notes that while its metering will support accelerated switching times, their current billing system will not. PPL Comments at 4. PPL has initially determined that supporting 3-day switching and off-cycle switching will require significant modifications to the logic of their billing system, substantial capital investment, and an in-depth analysis to determine the most efficient means to implement the proposed changes. As an interim measure, PPL proposes to reduce the current minimum 11-day rule to 3-business days, meaning that PPL would need a 3-business day notice before the next meter read to switch the service. PPL reports that they could implement this in six to eight weeks. PPL also reports that while their current billing system cannot support multiple off-cycle switches, it could support a single mid-cycle switch. PPL could implement this over a 9-12 month period at a cost of approximately \$ 1.5 million (including the 3-business day notice rule). *Id.* at 4-7.

PECO and PPL suggest that the 3 days be 3 business days to accommodate PJM requirements. See e.g., *id.* PECO suggests customers be limited to one off-cycle switch. PECO Comments at 2.

Citizens and Wellsboro likewise want customers limited to one switch per month. Citizens and Wellsboro Comments at 5. These companies also note that they are in the process of becoming EDI-compliant, but they will not have mid-cycle functionality until the second quarter of 2015. *Id.* at 2-4. UGI Electric also asks the Commission to limit the number of switches per a defined time period. UGI Electric Comments at 5.

PPL and PECO object to the elimination of the confirmation period due to perceived increased risks of slamming and all the subsequent remedial action, including re-billings. See PECO Comments at 7 and PPL Comments at 11. During 2014, PECO has experienced between 100 and 150 customer requests per week to stop a switch. *Id.* PPL contends that it is not feasible to have EDCs send confirmation notices in instances where a customer is only changing a product with an EGS. PPL Comments at 11.

FE Solutions believes that EGSs should notify the EDC by the end of the next business day and that any delay introduces unneeded complexity and expense, especially since the “vast majority” of customers do not exercise their rights to rescind. FE Solutions Comments at 4-5. NEMA supports the elimination of the confirmation period, citing their belief that the current confirmation period only delays the customer switching process. NEMA Comments at 2. However, NEMA has concerns with the proposal to allow switching based on estimated readings because misestimates could yield problems and complaints. *Id.* at 3. WGES asks that any change in the timeframes in this section be carefully considered and that EGSs should have at least 90 days to implement any changes. WGES Comments at 3-4. RESA fully supports the elimination of the 10-day waiting period. To address possible slamming, RESA recommends a new expedited procedure for resolving customer complaints involving switching. RESA also asks the Commission to clarify when a supplier can consider a disclosure statement as being “received” by the customer. RESA Comments at 4-5. NRG believes speeding the switching process to five days or less will yield greater customer satisfaction in the marketplace and positively impact how EGSs behave in the market. NRG Comments at 2. If an EGS knows a

customer can quickly leave the EGS, an EGS will have a strong incentive to work even harder to meet their customers’ needs and offer better products and services. *Id.*

OCA objects to removing the provision requiring authorization before proceeding with the switch of service. OCA Comments at 7. OCA and PULP also want three additional days to be added to the process in order to accommodate the 3-day right of rescission at 52 Pa. Code § 54.5. See PULP Comments at 3-7. OCA, along with PULP, wants to retain the 5-day confirmation period as an anti-slamming mechanism. See OCA Comments at 8-9. The Industrial Customer Groups are also concerned that a 3-day switching timeframe may not allow sufficient time for a customer to catch an unauthorized change of supplier. Industrial Customer Groups Comments at 2-3. PULP asks that EGSs be required to notify customers of their 3-day right of rescission. PULP Comments at 5.

Resolution

This section will require extensive revisions to make faster switching a reality. First, we will incorporate exceptions into paragraph (1) that provide for the 3-day rescission period in 52 Pa. Code 54.5(d). This will allow an EGS, if it prefers and with the consent of the customer, to send the customer’s enrollment the day after the customer contact. If, however, the customer does not give consent, the EGS must wait until the end of the 3-day rescission period. This delay is at the choice of the customer. The existing regulations do not require the holding of the notification for these 3-days; in fact, the existing regulation requires notifying the EDC “by the end of the next business day.” See 52 Pa. Code 57.173(1). Requiring EGSs to “hold” the selection for 3 days would prolong the switching timeframes and run counter to what we are trying to accomplish. We disagree with the OCA that this impermissibly permits a customer to “waive” their 3-day rescission right. A customer retains their 3-day rescission right regardless of when the EGS notifies the EDC of their selection. If the EGS notifies the EDC immediately, regardless of whether the EGS has customer consent, the EGS assumes the risk that the customer could cancel the agreement and that the EGS would then be obligated to do what they have to do to cancel the enrollment.

We will also include an exception for those instances when, again with the consent of the customer, the customer’s enrollment is deliberately held until some future, distant date. This will accommodate those suppliers and customers who may want to enter into service at a future date, possibly to avoid early termination of a contract that would result in additional charges such as early termination fees.

We will revise Section 57.173(2) to omit any waiting period. While we will still require the EDC to send a confirmation letter—there will be no waiting period. As discussed above, with faster switching, we believe that a waiting period is unnecessary. If a customer, upon the receipt of the confirmation letter, believes that he or she was “slammed,” the customer can be quickly returned to their supplier of choice with minimal harm to them. By allowing faster switching, a “slammer” will not be able to hold onto the victim, thereby minimizing the incentive to “slam.” Additionally, the dispute procedures below in § 57.177 will assist the customer in avoiding liability for even the minimal charges that may have accrued.

We agree with NRG that faster switching would result in better EGS behavior and better products and services.

By allowing customers to more freely and quickly switch suppliers, EGSs will have to offer better services and products to hold onto their customers. EGSs will no longer be able to count on the extra month or two of revenue from a departing customer. We find that the cumulative benefits attendant to faster switching outweigh the risk of a few isolated cases of slamming that a lengthy confirmation period would otherwise protect.

We agree with PECO and PPL that, given PJM requirements, as well as holidays and weekends, we should refer to “business days” and not “calendar days.” In response to OCA’s concern with the removal of the phrase “upon receiving direct oral confirmation or written authorization from the customer to change the EGS,” we note that we are removing this language only because it is redundant and found in § 57.174. See 52 Pa. Code § 57.174.

§ 57.174. *Time frame requirement.*

Comments

FirstEnergy notes that “significant” time for research, development, and implementation will be needed to meet the proposed timeframes. FirstEnergy Comments at 5. FirstEnergy reports that current business processes require them to calculate each EGS’s capacity and transmission obligation 3 business days prior to the market day and report results to PJM the following morning by noon in order to meet PJM reporting deadlines. PJM market rules require each day’s posting from FirstEnergy to reflect each supplier’s obligations 2 days into the future. Since there is no process at PJM to reconcile or correct the NSPL and PLC obligations, FirstEnergy is concerned that using estimates could lead to widespread inaccuracies in the reported obligations. *Id.* at 5-8.

PPL likewise notes considerable amount of time and resources will be needed. PPL Comments at 12. PECO asks that customers who are not metered (lighting service) be excluded from off-cycle switching due to the complexity of their formulaic billing. PECO Comments at 8-9. PPL likewise asks for street lighting to wait until a future “second phase.” PPL Comments at 14.

NEMA is concerned with the proposal that would permit a switch of supply based on an estimated meter reading. Concerned that a gross misestimate could significantly harm either or both the customer and the supplier, NEMA recommends only allowing actual meter readings. NEMA Comments at 3. WGES also opposes the use of estimated meter readings. WGES is not convinced that a 3-day switching timeframe is possible given PJM, EDI and EDC protocols—in light of the lack of the utility billing infrastructure. WGES Comments at 4.

RESA applauds the proposal for off-cycle switches and does not believe full smart meter deployment is necessary to allow off-cycle switching since the EDC can pro-rate the usage for billing and PJM settlement purposes. RESA Comments at 7. NRG also supports this proposal and suggests that EDCs report to the Commission annually the percentage of actual and estimated meter readings used for switching purposes. NRG Comments at 5-7. NRG also suggests that the EDC be required to “look back” when they get a switching request and if there has been a meter reading obtained within the past 3 days, then the switch should be dated to that meter read. *Id.*

Concerned about the use of estimated meter reads, OCA believes the matter should be considered further. OCA Comments at 12-13. EDEWG asks the Commission to confirm that mid-cycle switching would be available for all customer classes and seeks clarification as to whether the 3-day timeframe applies only to mid-cycle switching

or all switching. EDEWG also notes that new “stacking rules” will need to be established in order to handle multiple pending enrollment and rescission requests to determine which switch will be honored and in what order. EDEWG Comments at 3-4.

Resolution

To achieve our objective of accelerating switching, we will need to extensively revise this section to specify the new timeframes and how those timeframes should be achieved. Since the existing language “first feasible billing period” is vague and permissive, we reject OCA’s suggestion that we retain this phrase, which would simply perpetuate the unacceptable status quo of the current 11–40 day switching period.

While we acknowledge PJM capacity assignment requirements necessitate a few days, we still believe a switch can be performed within three business days. As smart meter technology is deployed, EDCs can more easily obtain accurate meter readings at any time without sending personnel into the field to read meters. Utilities with automated metering (AMRs) can do likewise. With all the money and effort currently being spent on deploying smart meter technology in the Commonwealth, it is unacceptable not to use the technology and information as available to directly benefit customers.

We agree with RESA that EDCs that do not have advanced or AMR metering can use either estimated or customer-provided meter reads for the purpose of switching EGSs. This section will be revised by adding language directing utilities to use either a meter reading obtained by an advanced or AMR meter. When these options are not available, an estimated or customer-provided reading shall be used, subject to revision and correction upon an actual meter read. This will allow these EDCs to avoid costly field visits to implement these regulations since personnel will not have to be dispatched to read the meter. We decline to put in place a reporting requirement like that proposed by NRG, but we could revisit this suggestion in the future if we become aware of problems with the estimated readings. We also decline NRG’s suggestion to “look back” and base the switch on a past meter reading. We are concerned that this could have serious billing impacts and PJM complications.

In response to the requests of Duquesne, EDEWG, PECO, and PPL that we address the applicability of these timeframes to all rate classes, we decline to provide a blanket exemption to specific rate classes in these regulations. The EDCs that provided comments failed to identify a particular technical barrier to off-cycle switching for customer accounts that are not metered. An EDC can seek a waiver for off-cycle switching for non-metered accounts by demonstrating the need for such a waiver in its request. We note that the second paragraph only applies to metered accounts. We acknowledge that multiple switches could occur within a single billing period. This may even be necessary in some instances—such as returning to a customer to the appropriate supplier to reverse a “slam.” We also decline to specify the “stacking rules” mentioned by EDEWG in these regulations, but acknowledge that this will have to be addressed in the future.

§ 57.179. *Record maintenance.*

Comments

Citizens and Wellsboro believe that the EDC record-keeping needed to comply with this section could be burdensome since EDI-related transactions are easily maintained but other records are not. Citizens and

Wellsboro Comments at 5-6. PPL notes that they currently only retain customer recordings for 120 days (or 1 year in the case of a dispute). Expanding this to 3 years will require additional resources. PPL Comments at 16.

If EDCs have a role in switching consumers, WGES agrees that EDCs should maintain appropriate records. WGES thinks it is inevitable that Commission staff would need these records to resolve disputes as to what information was discussed and what representations were made in those customer contacts. WGES Comments at 5-6.

OCA recommends removal of the provision directed to default service providers as to avoid conflict with other record retention requirements. OCA Comments at 14.

Resolution

Since we are now allowing EDCs to switch customers to the default service provider (see § 56.172), we agree with WGES that the EDC should have a record-keeping requirement similar to the EGSs. In response to concerns that this is burdensome, we emphasize that the record-keeping requirement only pertains to disputes and not all switching.

Implementation and Cost Recovery

In the March 18, 2014 Secretarial Letter we proposed a six-month implementation timeframe for the EDCs, allowing for cost recovery in an EDC's next base rate proceeding.

Comments

Commenters expressed concern over the implementation timeframe, but also expressed a willingness to work within the Commission's timeframe. See e.g., PECO Comments at 3 (stating that PECO "is fully committed to complying with the proposed regulations within the [six-month] timeframe stated in the [March 18, 2014] Secretarial Letter"); cf. Pike County Comments at 3 (implementation would take at least one year due to complexities of its billing system).

EAP thinks that the failure to allow timely cost recovery is problematic, contending that the steps necessary to comply with stringent switching deadlines will likely entail greater implementation costs than previously considered. EAP Comments at 3-5. UGI Electric requests that, given their small customer base and that variable pricing issues have not been a problem in their market, that they be exempt from any new switching rules until it implements its next default service plan. See UGI Electric Comments at 2, 5. FirstEnergy claims that initial costs will be \$1.5—2 million and that these costs must be recoverable on a full and current basis through a reconcilable rider mechanism. FirstEnergy Comments at 2-3. PECO likewise asks for full and current cost recovery under an appropriate rate adjustment mechanism. PECO Comments at 5-6. Duquesne estimates implementation costs at \$10 million. Duquesne Comments at 10. PPL is concerned that in submitting these costs in a base rate case, a party could propose disallowance of some or all of these costs. PPL believes this is unfair because they are simply complying with the Commission's regulations, and that the Commission should declare that EDCs will be permitted to fully recover all reasonable costs. PPL Comments at 16-17.

FE Solutions believes that these changes are for the overall promotion of retail customer choice which will benefit all customers, and as such, cost recovery should be addressed in EDC base rate filing. FE Solutions Comments at 6. RESA also supports the use of base rate filings to recover costs. RESA Comments at 8.

Resolution

EDCs and EGSs shall implement the revised regulations within 6 months of the date these revised regulations become effective. Any EGS or EDC unable to comply within this timeframe must file a petition with the Commission to explain their inability to comply and to propose alternatives, including the estimated timeframe for implementation. We understand the concerns of the smaller electric utilities. See UGI Electric Comments at 2, 5; Pike County Comments at 3-4; and Citizens and Wellsboro Comments at 2-3.

We also acknowledge that there will be costs incurred by the EDCs in adapting EDC metering and billing systems to accommodate off-cycle meter readings. We expect EDCs to implement these new requirements in the most cost-effective manner possible. EDCs should seek recovery of reasonable costs in a future base-rate filing, which will receive the usual full scrutiny of review by the Commission and interested parties.

We also note PECO's suggestion that, as an alternative to cost recovery through an adjustment clause exercisable at the EDC's option, the Commission could provide that EDCs may request approval for a deferral of implementation and ongoing costs resulting from this rulemaking, establish a regulatory asset for such costs and seek recovery in a future base rate case. PECO Comments at 6. PECO's suggestion of deferral, with the establishment of a regulatory asset with recovery in a future base rate proceeding is consistent with our intent regarding cost recovery. We agree that EDCs may seek approval of a deferral of costs and the establishment of a regulatory asset for recovery in a future base rate proceeding. However, we caution that any such requests will be governed by the applicable standards set forth in Petition of Duquesne Light Company, Docket No. P-2012-2333760, at 6 (Order entered April 17, 2013).

Accordingly, we will add Section 57.180 to our regulations to require EDCs and EGSs to implement the provisions of Sections 57.172, 57.173, 57.174, and 57.179 within 6 months of the effective date of these regulations.

Process and Justification for Promulgating Final-Omitted Regulations

Under the Public Utility Code, the Commission may promulgate regulations as may be necessary and proper in the exercise of its powers and performance of its duties. 66 Pa.C.S. § 501(b). In promulgating regulations, the Commission must adhere to the statutory requirements of the Regulatory Review Act, 71 P.S. §§ 745.1 et seq., the Commonwealth Documents Law, 45 P.S. §§ 1201 et seq., and the Commonwealth Attorneys Act, 71 P.S. § 732-204. A Commonwealth agency enjoys wide discretion in establishing rules, regulations, and standards; this discretion will not be overturned by a reviewing court absent proof of fraud, bad faith, or a blatant abuse of discretion. *Logsdon v. Dept. of Educ.*, 671 A.2d 302, 305 (Pa. Cmwlth. 1996). In order for a regulation to have the force of law binding on the judiciary, the agency must 1) act pursuant to the agency's governing statute, 2) adhere to proper procedure, and 3) issue a reasonable regulation. *Rohrbaugh v. Pa. Pub. Util. Comm'n*, 727 A.2d 1080, 1085 (Pa. 1999).

In proposing a new or modified regulation, an agency generally must provide notice to the public of its proposed rulemaking and an opportunity for the public to comment. 45 P.S. § 1201; *Naylor v. Com., Dept. of Public Welfare*, 54 A.3d 429, 434-6 (Pa. Cmwlth. 2012). The purpose behind this formal notice and comment rule-

making is to provide “affected parties a democratic process for participation in the formulation of standards which govern their conduct and increases the likelihood of administrative responsiveness to their needs and concerns.” *Dept. of Enviro. Resources v. Rushton Min. Co.*, 591 A.2d 1168, 1171 (Pa. Cmwlth. 1991). Furthermore, this formal process “enables the agency to obtain information relevant to the proposed rule and facilitates the consideration of alternatives, detrimental effects, criticism, and advice, thereby contributing to the soundness of the proposed regulation.” *Id.*

When necessary for the public interest an agency may forgo those formal notice and comment procedures attendant to a proposed rulemaking by promulgating final-omitted regulations. 45 P. S. § 1204. The Commonwealth Documents Law, Section 1204 of the Pennsylvania Statutes, 45 P. S. § 1204, in discussing scenarios that justify final-omitted regulations, provides:

Except as otherwise provided by regulations promulgated by the joint committee, an agency may omit or modify the procedures specified in §§ 201 and 202, if:

- (1) The administrative regulation or change therein relates to: (i) military affairs; (ii) agency organization, management or personnel; (iii) agency procedure or practice; (iv) Commonwealth property, loans, grants, benefits or contracts; or (v) the interpretation of a self-executing act of Assembly or administrative regulation; or
- (2) All persons subject to the administrative regulation or change therein are named therein and are either personally served with notice of the proposed promulgation, amendment, or repeal or otherwise have actual notice thereof in accordance with law; or
- (3) The agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in §§ 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.

45 P. S. § 1204.

Pertinently, an agency may forgo traditional notice and comment procedures if the agency finds for good cause those procedures are “impracticable, unnecessary or contrary to the public interest.” 45 P. S. § 1204(3). To demonstrate good cause that the formal notice and comment rulemaking process is unnecessary, an agency must include a “finding and a brief statement of the reasons . . . in the order adopting the administrative regulation or change.” 1 Pa. Code § 7.4.

Here, the Commission has determined that final-omitted regulations revising and adding to our standards for changing a customer’s electricity generation supplier, 52 Pa. Code §§ 57.171—57.179, are necessary to serve and protect the public interest. Based upon the circumstances of this situation, specifically, the unusually high electric supply bills recently incurred by customers resulting from variable pricing contracts and fluctuations in wholesale and retail energy markets, the exception at § 1204(3) is, in our opinion, applicable.

Good Cause Supports Commission Promulgation of Final-Omitted Regulations

The Commission finds good cause that undergoing the traditional notice and comment procedures for these regulations is impracticable, unnecessary, and contrary to the public interest. See 45 P. S. § 1204(3). Additionally,

pursuant Section 1204(2) all of the EDCs that will be obligated to alter their switching procedures will be served and provided with actual notice of these final-omitted regulations. See 45 P. S. § 1204(2).

Traditional notice and comment procedures are impracticable and contrary to the public interest because customers are being affected now with extraordinarily high bills and may be affected again as early as this summer due to peak demand periods and potential fluctuations in the wholesale energy market. The Commission seeks to amend its regulations as soon as practicable in order to allow customers to more quickly and easily switch electric suppliers, which will allow customers to more fully realize the benefits of a fully functioning retail market through quicker and easier access to a more favorable retail rate. These changes will also allow customers to avoid being trapped on unfavorable and volatile rate plans as many were this past winter. Furthermore, these changes will advance competition in the retail market as EGSs will need to respond more quickly to customer concerns or risk losing them to more agile competitors.

Traditional notice and comment procedures are unnecessary because there have been and continue to be substantial channels for formal and informal public notice and comment. The public has voiced their comments and concerns through the filing of a record-breaking 500 complaints concerning variable rates with the Commission’s Secretary’s Bureau between January 1, 2014 and March 28, 2014, and the filing of over 5,600 informal complaints with the Commission’s Bureau of Consumer Services regarding EGSs. Moreover, the media has raised this issue throughout the Commonwealth. The public is indeed on high notice and constituents have reached out to their legislators, who are proposing legislative amendments to accelerate the switching process. Throughout February and March of this year, the Commission has held numerous conference calls and meetings with interested parties, including customers, suppliers, utilities, legislative committees, and the media.

As discussed, the Commission has already accepted and reviewed formal comments on its switching regulations via a previous Commission order. See October 2012 Interim Guidelines, Docket No. M-2011-2270442. In the October 2012 Interim Guidelines order, seventeen parties filed comments in response to the November 14, 2011 Tentative Order, including AARP/PULP/CLS; Columbia Gas; DTE Energy; Duquesne; EAP; FE Solutions; Industrial Customer Groups; FirstEnergy; NEMA; OCA; PEMC; PECO; PGW; PPL; RESA; Verde Energy; and WGES.

In the comments to the October 2012 Interim Guidelines, the parties generally supported reducing customer wait time for switching suppliers. EAP, PECO, PPL, and AARP/PULP/CLS commented that enacting those changes would be better facilitated through the rulemaking process, as we are doing here, instead of through guidelines issued via Commission order. See Docket No. M-2011-2270442, at 12. RESA observed that shortening the switching timeframe is important because the current switching process is “grossly out of line with standards for service in other industries.” *Id.* at 13 (citing RESA Comments at 1-2). NEMA supported the proposed guidelines as a reasonable step to achieving customer switching on a timelier basis, recognizing current metering technology. *Id.* (citing NEMA Comments at 2). Similarly, PEMC observed that the proposed guidelines would achieve the delicate balance between strengthening the competitive energy market while ensuring strong con-

sumer protections. *Id.* at 13 (citing PEMC comments at 2). FE Solutions believed that the 16- to 45-day time period for switching is too long and supported the proposed guidelines. *Id.* (citing FE Solutions Comments at 1-2).

The March 18, 2014 Secretarial Letter

On March 18, 2014 the Commission issued a Secretarial Letter, served on all jurisdictional EDCs, OCA, OSBA, and EAP, seeking comments on proposed regulations, and invite and promote public participation in the rulemaking process and to allow the Commission to further deliberate before issuing this Final-Omitted Rulemaking Order. On March 18, 2014 the Commission received a letter from Senators Robert M. Tomlinson and Lisa M. Boscola of the Senate Consumer Protection and Professional Licensure Committee, asking the Commission to begin revising its regulations to accelerate the supplier switching process. In a March 25, 2014 letter addressed to the Commissioners, Governor Corbett commended the PUC for advancing this rulemaking to accelerate the timeframe for effectuating a switch in a customer's choice of electric supplier. Also, on March 25, 2014, the Commission received a letter from Representatives Robert W. Godshall and Peter J. Daley of the House Consumer Affairs Committee, applauding the Commission for moving forward to revise its switching regulations, but urging caution as to expediting the rulemaking due to the intent of their committee to address those same issues legislatively.

Comments to the March 18, 2014 Secretarial Letter were filed by OSBA; NEMA; the Industrial Customer Groups; PULP; UGI Electric; NRG; RESA; EAP; PPL; OCA; EDEWG; WGES; Citizens and Wellsboro; FE Solutions; FirstEnergy; PECO; UGI Energy; Pike County; Duquesne; and Anna Perederina. Many residential customers emailed comments to the March 18, 2014 Secretarial Letter on accelerated switching to the Commission's website or www.PAPowerSwitch.com. These customers, many who identified themselves as variable-rate customers hit hard by price spikes this past winter, were unanimous in their support to significantly reduce the time to switch to a competitive supplier or return to default service.

The Commission has reviewed the comments to the Secretarial Letter. We have incorporated beneficial suggestions and clarifications to the language we proposed to 52 Pa. Code §§ 57.171—57.180 in the attached Annex to the March 18, 2014 Secretarial Letter.

Some commenters expressed concern over the Commission's decision to embark on this expedited final-omitted rulemaking process. See OSBA Comments at 1; PULP Comments at 2; UGI Electric Comments at 1-5; EAP Comments at 6-7; PPL at 3-4, 17; OCA Comments at 2-4; EDEWG Comments at 2; WGES Comments at 1; FE Solutions Comments at 2, 6-7; and FirstEnergy Comments at 2-3, 9-10. Some commenters contended that the seven-day comment period provided for in the March 18, 2014 Secretarial Letter was insufficient to flush out the issues and properly estimate the implementation costs from a practical, technical, and financial standpoint. See *id.* See also EAP Comments at 4 and Pike County Comments at 3-4. However, most EDCs did provide numerical implementation cost estimates. See PPL Comments at 6; Duquesne Comments at 10-11; FirstEnergy Comments at 2-3; PECO Comments at 5, fn. 3; and Pike County Comments at 3. Some commenters requested a longer stakeholder process or working group to evaluate

regulations and share information regarding accelerated switching. See e.g., OCA Comments at 4.

The Commission appreciates the above concerns regarding the Commission's decision to embark on a faster, streamlined rulemaking through the Final-Omitted process.

As PULP emphasized, the purpose of the Commonwealth Documents Law is to invite and promote public participation in the promulgation of a regulation. See PULP Comments at 2. The Commission believes it has invited and promoted sufficient public participation over the past few years through OCMO, the Retail Markets Investigation, and the October 2012 Interim Guidelines. OCMO's working group met 19 times between March 24, 2011 and February 7, 2013 to discuss the narrowed issue here: Accelerated Supplier Switching Timeframes. Furthermore, the Commission went above and beyond the procedures required by a Final-Omitted Rulemaking by issuing its March 18, 2014 Secretarial Letter to invite public comment on specific, proposed regulatory language. As a result, the Commission received 22 sets of comments, including letters from the General Assembly and a letter of endorsement from the Governor.

While additional comments obtained through a more extended proposed rulemaking have the potential to provide more insight and analysis, the Commission believes it has received sufficient information and comments from the diverse and represented perspectives of the stakeholders in this matter. The Commission has considered these comments and incorporated the Commission's deliberation of those comments in this Order. Indeed, the Commission has created a "democratic process for participation" in the formulation of Standards for Changing a Customer's Electricity Generation Supplier at 52 Pa. Code §§ 57.171—57.179 "to increase [] the likelihood of administrative responsiveness" to the needs and concerns of stakeholders and interested parties. See *Rushton Min. Co.*, 591 A.2d at 1171. Governmental and other stakeholder resources will be saved by forgoing the extensive proposed notice and comment rulemaking process to achieve this urgent public interest objective of accelerated switching. Therefore, this final-omitted rulemaking still meets the intent of a *de novo* rulemaking with formal notice and comment procedures without risking promulgation of an agency regulation not in the public interest. See 45 P. S. § 1204.

A few commenters have advised the Commission to wait or delay this rulemaking because the General Assembly may enact legislation that conflicts with or is redundant to the Commission's regulations promulgated in this Final-Omitted Rulemaking. See, e.g., UGI Electric Comments at 3 and PPL Comments at 2-3; see also March 25, 2014 Letter from the House Consumer Affairs Committee. The Commission appreciates these concerns. However, the Commission is under a duty to act pursuant to its existing governing statutes that have already been enacted in the Public Utility Code; the Commission believes that it is imprudent to wait on legislation that may not be enacted for months or never enacted. While the House Consumer Affairs Committee has urged caution, the Senate Consumer Protection and Professional Licensure Committee and the Governor have implicitly directed and endorsed the Commission's advanced rulemaking. We note that should legislation effecting these regulations be enacted, the Commission is obligated to revise its existing regulations to conform with the law.

Statutory Safeguards Prevent Promulgation of Agency Regulation not in the Public Interest

Importantly, final-omitted regulations are subjected to the same review before IRRC as review of final-form regulations. See 71 P. S. §§ 745.5a—745.6. IRRC, the legislative committees, and the Attorney General may still comment on the final-form regulation. 71 P. S. § 745.5a(c). IRRC or a committee may disapprove the final-omitted regulation. See 71 P. S. §§ 745.5a—745.7. IRRC may also request and receive public comments up to 48 hours prior to IRRC's public meeting where the final-form regulation will be ruled upon. 71 P. S. § 745.5a(j). If IRRC does not disapprove the final-omitted regulation within its statutory time frame, the final-omitted regulation will be deemed approved. 71 P. S. § 745.5a(e). An agency may accept revisions to the final-omitted regulations, as recommended by IRRC or a committee. 71 P. S. § 745.5a(g). An agency may also toll the time for review in order to provide the agency with sufficient time to make recommended changes suggested by IRRC or the committees. See *id.* An agency may also withdraw a final-omitted regulation. Upon receiving a report from the agency regarding revisions to the final-omitted regulations, IRRC will deliver an approval or disapproval order to the committees for consideration by the General Assembly and the Governor, both of which retain powers to prevent promulgation of the agency's final-omitted regulation. See 71 P. S. § 745.7(c.1)—(d). Therefore, statutory safeguards are in place to prevent promulgation of an unreasonable agency regulation not in the public interest.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on April 8, 2014, the Commission submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on May 21, 2014, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 22, 2014, and approved the final-omitted rulemaking.

Conclusion

The Commission has deliberated on its switching regulations in the past few years and received numerous comments on these regulations in various channels, including formal comments to the Commission's Final Order for the October 2012 Interim Guidelines, which have been in effect for approximately thirteen months, and formal comments to the March 18, 2014 Secretarial Letter. See Docket Nos. M-2011-2270442 and L-2014-2409383. We believe our switching regulations should be updated in the context of today's marketplace and the available metering technology. Throughout this order and the attached Annex, we discuss various issues and carefully craft new rules to accelerate the supplier switching process for retail electric customers in Pennsylvania. Importantly, we revise our regulations to facilitate accelerated switching without endangering safeguards to protect customers against slamming or unauthorized switching.

The Commission believes that this final-omitted rulemaking is prudent and in the public interest. For the previous reasons, the exceptions to the notice of proposed rulemaking requirements enunciated in section 1204(3) of the Commonwealth Documents Law justify promulgation of these final-omitted regulations. Accordingly, under sections 501, 1501 and 2807 of the Public Utility Code (66 Pa.C.S. §§ 501, 1501 and 2807); the Commonwealth Documents Law (45 P. S. § 1204); the Regulatory Review Act (71 P. S. §§ 745.1 et seq.); the Commonwealth Attorneys Act (71 P. S. § 732-204); and the regulations promulgated at 1 Pa. Code § 7.4, the Commission adopts the regulations at 52 Pa. Code §§ 57.171—57.180, as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 54, are amended by adding § 57.180 and amending §§ 57.171—57.174 and 57.179 to read as set forth in Annex A.

2. The Secretary shall submit this order and Annex A to the Attorney General for review and approval and to the Governor's Budget Office for fiscal review.

3. The Secretary shall submit this order and Annex A to the legislative standing committees and to the Independent Regulatory Review Commission for review and approval.

4. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau for final publication upon approval by the Independent Regulatory Review Commission.

5. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

6. This order and Annex A revising the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 57 relating to Standards for Changing a Customer's Electricity Generation Supplier, be served on all jurisdictional electric utilities, all licensed Electric Generation Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and those parties who submitted comments at Docket No. L-2014-2409383.

7. The Office of Competitive Market Oversight shall electronically send a copy of this final-omitted rulemaking order and Annex A to all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity; to all persons on the contact list for the Investigation of Pennsylvania's Retail Electricity Market, order entered April 29, 2011, at Docket No. I-2011-2237952; and to all persons on the contact list for Stakeholders Exploring Avenues to Remove Competitive Hurdles.

8. A copy of this order and Annex A shall be posted on the Commission's web site at the Office of Competitive Market Oversight web page and on the web page for the Investigation of Pennsylvania's Retail Electricity Market.

9. The contact persons for this matter are Daniel Mumford in the Bureau of Consumer Services (717) 783-1957 and Ken Stark in the Law Bureau (717) 787-5558.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 3470 (June 7, 2014).)

Fiscal Note: 57-306. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 57. ELECTRIC SERVICE

Subchapter M. STANDARDS FOR CHANGING A CUSTOMER'S ELECTRICITY GENERATION SUPPLIER

§ 57.171. Definitions.

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

Act—66 Pa.C.S. §§ 2801—2815 (relating to Electricity Generation Customer Choice and Competition Act).

Current EGS—The EGS at the time of the customer contact.

Customer—A purchaser of electric power in whose name a service account exists with either an EDC or an EGS. The term includes all persons authorized to act on a customer's behalf.

Default service provider—The term as defined in section 2803 of the act (relating to definitions).

EDC—*Electric distribution company*—The term as defined in section 2803 of the act.

EGS—*Electric generation supplier*—The term as defined in section 2803 of the act.

Selected EGS—The EGS from which the customer seeks new electric generation supply service.

§ 57.172. Customer contacts the EDC.

(a) When a customer or a person authorized to act on the customer's behalf contacts the EDC to request a change from the current EGS or default service provider to a selected EGS, the EDC shall notify the customer that the selected EGS shall be contacted directly by the customer to initiate the change. This notification requirement does not apply when a Commission-approved program requires the EDC to initiate a change in EGS service.

(b) When a customer contacts the default service provider to request a change from the current EGS to default service, the default service provider shall notify the customer that there may be a cancellation penalty to cancel service with the current EGS. Subsequent to this notice and upon express or written consent from the customer, the default service provider shall enroll the customer in default service.

§ 57.173. Customer contacts the EGS to request a change in electric supply service.

When a customer contacts an EGS to request a change from the current EGS or default service provider to a new selected EGS, the following actions shall be taken by the selected EGS and the customer's EDC:

(1) The selected EGS shall notify the EDC of the customer's EGS selection at the end of the 3-business day rescission period under § 54.5(d) (relating to disclosure statement for residential and small business customers) or a future date specified by the customer. The selected

EGS may notify the EDC by the end of the next business day following the customer contact upon customer consent.

(2) Upon receipt of this notification, or notification that the customer has authorized a switch to default service, the EDC shall send the customer a confirmation letter noting the proposed change of EGS or change to default service. The notice must include the date service with the new selected EGS or default service provider will begin. The letter shall be mailed by the end of the next business day following the receipt of the notification of the customer's selection of an EGS or default service provider.

§ 57.174. Time frame requirement.

(a) When a customer has provided the selected EGS or current EGS with oral confirmation or written authorization to select the new EGS or default service provider, consistent with electric data transfer and exchange standards, the EDC shall make the change within 3 business days of the receipt by the EDC of the electronic enrollment transaction.

(b) The EDC shall obtain a meter read to effectuate the switch of service within the time period provided for in subsection (a). In instances when the EDC does not have advanced or automated metering capability, the EDC shall obtain an actual meter read, use an estimated meter read or use a customer-provided meter read. When an estimated meter read is used, the estimated meter read shall be updated when an actual meter read is obtained.

§ 57.179. Record maintenance.

Each EDC and each EGS shall preserve all records regarding unauthorized change of EGS and default service provider disputes for 3 years from the date the customers filed the dispute. These records shall be made available to the Commission or its staff upon request.

§ 57.180. Implementation.

Each EDC and EGS shall implement §§ 57.172—57.174 and 57.179 by December 15, 2014.

[Pa.B. Doc. No. 14-1247. Filed for public inspection June 13, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-2011-2266832]

Licensing Requirements for Natural Gas Suppliers

The Pennsylvania Public Utility Commission (Commission), on August 15, 2013, adopted a final rulemaking order which reviews the Commission's existing regulations outlining the licensing requirements for natural gas suppliers (NGS), specifically whether the exemption from NGS licensing of marketing services consultants and nontraditional marketers should be discontinued and whether all natural gas aggregators, marketers and brokers should be required to be licensed as NGSs to offer natural gas supply services to retail customers.

Executive Summary

By order entered January 13, 2012, the Pennsylvania Public Utility Commission (Commission) initiated a proposed rulemaking to review the exemption from licensing for "marketing services consultants" and "non-traditional marketers" in its natural gas supply (NGS) licensing regulations at 52 Pa. Code § 62.102 (relating to scope of

licensure). The Commission's existing regulations hold a licensed NGS responsible for violations of the law, or for any fraudulent, deceptive or other unlawful marketing or billing acts committed by the marketing services consultant or nontraditional marketer that the NGS hires or with whom it partners.

Following the receipt of comments to its Proposed Rulemaking Order, the Commission suggested further amendments to the NGS licensing regulations in an Advance Notice of Final Rulemaking Order, entered February 28, 2013. The Commission recommended adding the terms "aggregator," "broker," and "nonselling marketer," and incorporated a revised definition of "nontraditional marketer." Ultimately, for purposes of its final rulemaking, the Commission decided to advance proffered definitions of these terms while choosing to eliminate the "marketing services consultant" designation. Additionally, the Commission clarified the definition of "marketing," and modified the exemption from licensing requirements set forth in its existing regulations at Section 62.102(a).

By order entered August 15, 2013, the Commission set forth final-form regulations regarding NGS licensing requirements. Pursuant to its Final Rulemaking Order, the Commission determined that (1) all "aggregators" and "brokers" must be licensed for their involvement in the sale or arrangement of the sale of natural gas to retail customers; (2) "nonselling marketers" under contract to a single NGS in Pennsylvania are exempt from licensure; (3) "nonselling marketers" under contract to two or more NGS firms in Pennsylvania are required to be licensed; and (4) the licensing exemption continues for "nontraditional marketers."

Public Meeting held
August 15, 2013

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

*Licensing Requirements for Natural Gas Suppliers
Regulations at 52 Pa. Code § 62.101—§ 62.102;
L-2011-2266832*

Final Rulemaking Order

By the Commission:

By Order entered February 28, 2013, the Pennsylvania Public Commission (Commission) issued an Advanced Notice of Final Rulemaking (ANOFR) to amend our natural gas supplier (NGS or supplier) licensing regulations at 52 Pa. Code § 62.101 (relating to definitions) and § 62.102 (relating to scope of licensure). Specifically, this rulemaking was initiated to address whether or not to maintain the exemptions from the licensing requirement for marketing services consultants and nontraditional marketers. Comments were filed by various interested parties. The Commission has reviewed those comments, as well as all comments filed to its Proposed Rulemaking Order entered January 13, 2012, and issues this Final Rulemaking.

Background

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act, effective July 1, 1999, 66 Pa.C.S. §§ 2201—2212 (Act). Pursuant to the Act, beginning on November 1, 1999,

retail customers were given the ability to choose an NGS to provide them with natural gas supply services.¹

Section 2208(a) of the Act requires that no entity can engage in the business of an NGS unless it holds a license issued by the Commission. 66 Pa.C.S. § 2208(a). The term NGS is defined, in part, as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company.

66 Pa.C.S. § 2202. Further, the term "natural gas supply services" is defined, in part, as "the sale or arrangement of the sale of natural gas to retail gas customers," 66 Pa.C.S. § 2202.

On June 24, 1999, following the passage of the Act, the Commission issued a Tentative Order establishing a draft licensing application for the interim licensing of NGSs. On July 15, 1999, the Commission issued a Final Order at Docket No. M-00991248F0002 that adopted the interim licensing procedures and license application for NGSs. The Final Order required all suppliers of retail natural gas supply services to obtain an NGS license, other than natural gas local distribution companies providing service within their certificated service territories and municipal utilities providing service within their corporate or municipal limits.

Subsequently, in 2000, the Commission adopted a Proposed Rulemaking Order that revised its interim licensing procedures and promulgated proposed regulations governing the licensing requirements for NGSs. See 52 Pa. Code §§ 62.101—62.114. See Licensing Requirement for Natural Gas Suppliers, Proposed Rulemaking Order, Docket No. L-00000150, 30 Pa.B. 3073 (June 17, 2000). The Commission stated that its initial interpretation of the Act had been that every entity that engages in an activity listed as that undertaken by a natural gas supplier must be licensed. However, the Commission's proposed rulemaking acknowledged that some activities may be undertaken by entities that will not have any direct physical or financial responsibility for the procurement of the customer's natural gas. Accordingly, in the proposed regulations the Commission decided to exempt from licensing two types of entities that worked as brokers or agents for NGSs and retail customers. The proposed regulation used the terms "marketing services consultant" and "nontraditional marketer" for these agents and brokers.

In the final NGS licensing regulations, the Commission defined the term "marketing services consultant" as follows:

A commercial entity, such as a telemarketing firm or auction-type website, or energy consultant, that under contract to a licensee² or a retail customer, may act as an agent to market natural gas supply services to retail gas customers for the licensee or may act as an agent to recommend the acceptance of offers to provide service to retail customers. A marketing services consultant:

¹ Section 2202 of the Act, 66 Pa.C.S. § 2202, defines natural "gas supply services" as including (1) the sale or arrangement of the sale of natural gas to retail customers; and (2) services that may be unbundled by the Commission under section 2203(3) of the Act (relating to standards for restructuring of the natural gas utility industry) and excluding distribution service.

² "Licensee" is defined as "a person or entity that has obtained a license to provide natural gas supply services to retail customers." See also 52 Pa. Code § 62.101 (relating to definitions).

- (i) does not collect natural gas supply costs directly from retail customers;
- (ii) is not responsible for the scheduling of natural gas supplies;
- (iii) is not responsible for the payment of the costs of the natural gas to suppliers, producers, or NGDCs.

52 Pa. Code § 62.101 (footnote added).

Additionally, in the regulations the Commission defined “nontraditional marketer” as follows:

A community-based organization, civic, fraternal or business association, or common interest group that works with a licensed supplier as an agent to market natural gas supply services to its members or constituents. A nontraditional marketer: (i) conducts its transactions through a licensed NGS; (ii) does not collect revenue directly from retail customers; (iii) does not require its members or constituents to obtain its natural gas service through the nontraditional marketer or a specific licensed NGS; (iv) is not responsible for the scheduling of natural gas supplies; [and] (v) is not responsible for the payment of the costs of the natural gas to its suppliers or producers.”

52 Pa. Code § 62.101.

In Section 62.102 of the regulations, relating to scope of licensure, the Commission created licensing exemptions for marketing services consultants and nontraditional marketers.

(d) A nontraditional marketer is not required to obtain a license. The licensed NGS shall be responsible for violations of 66 Pa.C.S. (relating to the Public Utility Code), and applicable regulations of this title, orders and directives committed by the nontraditional marketer and fraudulent, deceptive or other unlawful marketing or billing acts committed by the nontraditional marketer.

(e) A marketing services consultant is not required to obtain a license. The licensed NGS shall be responsible for violations of 66 Pa.C.S. and applicable regulations of this title, orders and directives committed by the marketing services consultant and fraudulent, deceptive or other unlawful marketing or billing acts committed by the marketing services consultant.

52 Pa. Code § 62.102(d)—(e).

The Commission recommended these two exemptions in its June 2000 Proposed Rulemaking Order. Some commenters supported the exemptions and others, including the Independent Regulatory Review Commission (IRRC), opposed them. In the final rulemaking the Commission determined that marketing services consultants and nontraditional marketers were not engaged in the sale or arranging of natural gas supply services to retail consumers. Thus, they fell outside of the definition of an NGS set forth in Section 2202 of the Act. Furthermore, rather than require these entities to obtain a license themselves, the regulations emphasized that the licensed NGSs were responsible for any violations of the statute, regulations or orders or for any fraudulent, deceptive or other unlawful marketing or billing acts committed by the marketing services consultant or nontraditional marketer. See 52 Pa. Code § 62.102 (relating to scope of licensure). See also 52 Pa. Code § 62.110(a)(3) (NGSs must identify nontraditional marketers and marketing services consultants who are currently or will be acting as agents for the licensee in the upcoming year).

The proposed regulations were finalized by the Commission in July 2001 in Licensing Requirements for Natural Gas Suppliers, Final Rulemaking Order, Docket No. L-00000150, 31 Pa.B. 3943 (July 21, 2001).

On September 28, 2010, Alphabuyer LLC (Alphabuyer) filed a license application to operate as a broker/marketer engaged in the business of supplying natural gas services in the service territory of various NGDCs within the Commonwealth of Pennsylvania. The term broker/marketer is synonymous with marketing services consultant. The application was filed pursuant to section 2208 of the Natural Gas Choice and Competition Act (Act) and Title 52 of the Pennsylvania Code, Chapter 62, Subchapter D. In conjunction with the approval of that application, the Commission noted that during the past ten years, a number of entities similar to Alphabuyer,³ despite the existence of an exemption from the requirement to obtain a license, nonetheless applied for an NGS license in order to supply natural gas services to retail customers.⁴

Due to the non-compulsory nature of licensing entities like Alphabuyer and the amount of direct interaction these entities have with retail customers, the Commission determined it was time to conduct a review of its regulations outlining the licensing requirements for natural gas suppliers. Therefore, on January 13, 2012, the Commission initiated the instant rulemaking proceeding to determine (1) if its current NGS licensing regulations conform with the plain language of the Natural Gas Choice and Competition Act⁵ and reflect the current business plans of NGSs appearing before it; and (2) whether continuing these licensing exemptions is in the public interest. Furthermore, the Commission requested comments on whether it was appropriate to remove responsibility from a licensed NGS for violations of the Public Utility Code, and applicable Commission regulations, orders and directives and for fraudulent, deceptive or other unlawful marketing or billing acts committed by a marketing service consultant or a nontraditional marketer.

Accordingly, in its Proposed Rulemaking Order, the Commission suggested the following revisions to its NGS licensing regulations at 52 Pa. Code §§ 62.101—62.110: (1) deletion of the “marketing service consultant” and “nontraditional marketer” definitions; (2) the deletion of the exemptions set forth in Subsections 62.102(d) and (e) of the regulations and (3) the deletion of Subsection 62.110 (a)(3) that requires a licensee to report the names and addresses of nontraditional marketers and marketing services consultants who are acting or will be acting as agents for the licensee in the upcoming year.

The Commission received comments to its proposed revisions.⁶ Based upon these comments, the Commission suggested further amendments to the NGS licensing regulations to add the definitions aggregator, broker, and nonselling marketer and to incorporate a revised definition of nontraditional marketer. It also modified the exemption from licensing requirements set forth in the

³ Under this model, the entity falls within the definition of “marketing services consultant” if it: (1) does not collect natural gas supply costs directly from retail customers; (2) is not responsible for the scheduling of natural gas supplies; and (3) will not be responsible for the payment of costs to NGSs, producers or NGDCs.

⁴ The Commission’s practice has been to issue NGS licenses to such entities upon demonstration that they meet the financial and technical requirements of NGS licensure and also comply with, and be governed by, the applicable provisions of the Public Utility Code and Commission regulations.

⁵ Natural Gas Choice and Competition Act, effective July 1, 1999, 66 Pa.C.S. §§ 2201—2212 (Act).

⁶ Comments to the proposed rulemaking were filed by the IRRC, National Energy Marketers Association (NEMA), Washington Gas Energy Services, Inc. (WGES), Spark Energy Gas, LP, Retail Energy Supply Association (RESA) and the Pennsylvania Energy Marketers Coalition (PEMC).

existing regulations and added clarifying language at Section 62.102(a) and to the definition of marketing. The Commission issued its further revisions to the proposed regulations as an Advanced Notice of Final Rulemaking (ANOFR), entered February 28, 2013, and invited additional comments.

Comments to the ANOFR were filed by the Retail Energy Supply Association (RESA), National Energy Marketers Association (NEMA), the Pennsylvania Independent Oil and Gas Association (PIOGA), the Office of Consumer Advocate (OCA), and the Pennsylvania Energy Marketers Coalition (PEMC).

Comments to the Proposed Rulemaking Order

IRRC's Comments

In its comments, IRRC stated that the Commission did not provide convincing supporting information as to the need to amend the regulations regarding licensing of NGSs. IRRC Comments at 2. IRRC commented that the Commission's Regulatory Analysis Form (RAF) did not provide substantive information to estimate the direct and indirect costs to the Commonwealth, to its political subdivisions and to the private sector, and did not identify the types of persons, businesses and organizations which would be affected by the regulation. IRRC further stated that the Commission should explain its interpretation of its statutory authority in deciding which entities must be licensed, which entities do not need to be licensed and provide an explanation of how the final-form regulation meets the requirement of the Act. *Id.* IRRC recommended that the Commission withdraw this proposed regulation and conduct an investigation with stakeholders to determine who is using the current exemption, what the cost impact is to them and how to best regulate the competitive marketplace. *Id.* In the alternative, IRRC recommended that the Commission publish an advanced notice of final rulemaking that allows interested parties the opportunity to review the revised regulatory language before submittal of a final-form regulation. *Id.*

NEMA's Comments

NEMA stated that a wholesale deletion of the "marketing services consultant" definition and its exemption from licensing is not necessary for those consultants that only make sales to consumers on behalf of licensed suppliers. NEMA Comments at 7. NEMA stated, however, that "energy consultants," who purport to hold themselves out as either agents of or representatives of consumers and which have been included as a subset within the definition of "marketing services consultants" by the Commission, may not have sufficient safeguards in place within the current regulations to protect consumers and the public interest. NEMA Comments at 9-12.

NEMA stated that there has been a proliferation of "energy consultants" in the competitive marketplace that interject themselves between the consumer and the NGS in order to "arrange for the sale of natural gas" for the consumer. *Id.* NEMA explained that these energy consultants may have a direct contract with the consumer to perform this service on the consumer's behalf. In the alternative, the energy consultant may not have a contract with the consumer, but will gather bids from multiple suppliers for the consumer and receive its compensation through the NGS's bill. In this latter scenario, the energy consultant has an agreement in place with the winning NGS for the NGS to act as its billing service provider and the NGS is under a contractual obligation to remit compensation or commission directly to the energy consultant.

NEMA stated that an NGS should not be responsible for the energy consultant's conduct because it is operating as the agent of the consumer and not the supplier. NEMA Comments at 12. NEMA stated that the Commission should look to whom the entity owes its fidelity or whether they are acting for their own account rather than a specific supplier or a purchaser or group of purchasers. NEMA asserted that in the absence of a contractual relationship with the NGS, the NGS should not be responsible for the entity's conduct. *Id.*

NEMA stated that it supports the exemption from licensing of entities operating exclusively for a supplier in a utility service territory and the licensing of brokers who are not beholden to anyone unless they have an exclusive contract with one supplier. NEMA Comments at 15. NEMA asserted that refining the current exemption by excluding "energy consultants" from the "marketing services consultant" definition may be a good first step in an ongoing process of monitoring the performance of entities in the natural gas market. Conversely, NEMA stated that the Commission should retain the exemption from the licensing requirements for nontraditional marketers. NEMA asserted that the nontraditional marketer is not involved in the financial transaction between the licensed supplier and the customer and is not holding itself out as representing the NGS, it is merely communicating to its members that there is an offer that they may avail themselves of from the NGS.

Furthermore, NEMA stated that prior to the Commission making a determination as to whether gas aggregators, brokers or marketers need to be licensed, that the Commission should engage in a rulemaking process to develop definitions and a common understanding of these terms as they apply to the retail gas market. *Id.* NEMA noted that legislature did not set forth definitions for the terms "aggregator," "broker," and "marketer" in the Act or any corresponding licensing requirement for any such specifically identified entities. NEMA asserted that the licensing requirement in the Act mentions only "natural gas suppliers."

WGES's Comments

In its comments, WGES stated that it agreed with NEMA that the Commission should consider refining the expansive definition of "marketing services consultant" to exclude "energy consultants" that "arrange for the sale of natural gas for a consumer." WGES Comments at 1. WGES explained that under this scenario, the main contractual relationship exists between the energy consultant and the customer.

WGES further stated that NGSs generally do not exercise any control over the actions of energy consultants. WGES Comments at 2. Nevertheless, despite this lack of control or contractual relationship, under the current regulations, NGSs may be held responsible for the actions of the energy consultant. WGES stated that the Commission should revise its regulations to assign appropriate responsibility to energy consultants for their actions, rather than assigning responsibility to NGSs. WGES Comments at 3.

Spark Energy's Comments

Spark Energy stated that NGS firms and marketing entities should not be grouped together when identifying licensing requirements. Spark Energy Comments at 2. Rather, Spark Energy stated that the Commission should implement a less-stringent certification procedure for marketing entities. *Id.* Spark Energy explained that the newly-implemented certification process will allow the

Commission to focus on whether the marketing entity possesses appropriate core marketing proficiencies. Additionally, Spark Energy stated that certification should enhance, but not replace, oversight of the entity by the licensed NGS for fraudulent, deceptive or unlawful practices. Spark Energy Comments at 3. Lastly, Spark Energy stated that if the definitions for “marketers” and “brokers” were adopted for gas purposes, it would be difficult to distinguish them from the existing marketing services consultant and nontraditional marketers operating today in the competitive retail market. Accordingly, Spark Energy stated that the Commission should refrain from adopting the more generic “marketer” and “broker” terms. Spark Energy Comments at 5-6.

RESA's Comments

RESA stated the Commission should retain the current “marketing services consultant” and “nontraditional marketer” definitions in the regulations. RESA Comments at 2. However, RESA also stated that the Commission should incorporate the “aggregator,” “broker” and “marketer” definitions so there is symmetry and continuity between the treatment of licensed entities on the electric side with the entities subject to the natural gas licensure regime. RESA Comments at 3-4. RESA stated that the exemption from licensure should continue for those marketing services consultants and nontraditional marketers that are compensated and conducting marketing and sales activities on behalf of a single licensed NGS. RESA Comments at 4. To the extent that the marketing services consultant or nontraditional marketer works solely for a single NGS, it would be deemed an “agent” of the NGS and, therefore, would not be required to be separately licensed with the Commission. RESA Comments at 4-5.

RESA further stated that those marketing services consultants or nontraditional marketers who function as aggregators or a broker/marketer by providing or arranging for natural gas service to be supplied to an end-user, including but not limited to collection of payment, schedule of natural gas supplies, or payment of natural gas supplies should be required to be licensed with the Commission. RESA Comments at 5. RESA stated that while these entities are not “agents” of an NGS, they directly arrange for a customer’s natural gas supply services; therefore, these natural gas aggregators and broker/marketers should go through the licensing process and have their marketing activities directly regulated by the Commission. *Id.*

However, RESA asserted that it is in favor of less burdensome licensing requirements for these entities in the form of reduced bonding or security requirements. *Id.* Furthermore, RESA asserted that these entities should not be required to submit annual reports given that NGSs already have an obligation to submit annual reports and are parties that are best positioned to provide the required data to the Commission due to their familiarity with the process for confidential filings. RESA Comments at 6.

PEMC's Comments

PEMC stated that there does not appear to be a discernible or identifiable reason for the Commission to revise the current regulations. PEMC Comments at 4. Additionally, PEMC stated that as an unintended consequence, the Commission’s proposed revisions would dramatically expand the number of license applications it must review and suppliers it must monitor. *Id.* Accordingly, PEMC stated that it opposes the elimination of the exemption from licensing requirements for marketing services consultants and nontraditional marketers.

PEMC offered two alternatives to the Commission. First, PEMC stated that when agents who are legitimate representatives of a single supplier are found to be in violation of Commission regulations, the NGS should be held accountable as if the agent was its own employee. PEMC Comments at 5. Secondly, PEMC stated that to address accountability issues that can arise when an agent simultaneously represents more than one NGS, the Commission could choose to define such agents as “natural gas supply brokers.” *Id.* PEMC further stated that the Commission could then either require entities that meet this definition to apply for a standard NGS license or establish a new, separate natural gas broker license tantamount to the “broker” definition under the EGS licensing regulations. *Id.*

Discussion of comments to the Proposed Rulemaking Order

In response to IRRC’s comments that the Commission did not provide convincing supporting information as to the need to amend its existing regulations regarding licensure of NGSs, the Commission published an advanced notice of final rulemaking to allow the public and standing committees the opportunity to review the revised regulatory language before submittal of a final form regulation. The Commission’s statutory authority to decide which entities must be licensed comes from 66 Pa.C.S. § 2202 (regarding definitions for the terms “Natural Gas Supplier” and “natural gas supply services”); and § 2208(a) (stating that no entity shall engage in the business of a natural gas supplier unless it holds a license issued by the commission). Also, the Commission acknowledges IRRC’s comments regarding the deficiencies of its RAF submitted with the Proposed Rulemaking. The Commission will supplement its RAF to address the direct and indirect costs that will result from changes to our regulation and will identify the various types of persons, businesses and organizations that may be affected.

In establishing the original NGS licensing regulations, the Commission adopted definitions for both “marketing services consultant” and “nontraditional marketer” as a means to distinguish certain activities that would fall outside of the definition of “natural gas supply services” set forth in Section 2202 of the Act. Thus, when the Commission defined these two entities, it clearly determined that there was a distinction between the rendering and sale of the physical natural gas commodity versus the provision of marketing and sales support activities. The Commission supported the exemptions because “those [marketing] entities . . . act[ed], not on behalf of licensees, but on behalf of retail customers as energy consultants.” April 19, 2001 Order at 10.

However, upon its subsequent experience of monitoring the activities and interactions of entities acting or operating as “marketing services consultants” in the gas retail market, the Commission believes these entities appear to provide functions that are the same or similar to those performed by “aggregators” and “brokers” operating on the electric competition side, whom are required to be obtain a license. Therefore, the Commission determined that it was appropriate to revisit the definitions of those entities operating within the competitive retail gas market.

We acknowledged that the Act did not create subcategories of natural gas suppliers as were created for electric generation suppliers in the Electric Competition Customer Choice and Competition Act. See 66 Pa.C.S. § 2803 (definitions of aggregator, market aggregator, broker, mar-

meter and electric generation supplier). However, we determined that entities that act as aggregators and brokers do fall under the definition of NGS as they are engaged in the “arrangement of the sale of natural gas to retail gas customers.” 66 Pa.C.S. § 2202. The fact that these entities may take no title to the natural gas is irrelevant in this determination.

Therefore, the Commission deleted the term “marketing services consultant” set forth in the initial licensing regulations as its definition was ambiguous and the activities of these entities had become synonymous with the activities of “aggregators” and “brokers” on the electric competition side. The Commission determined that the activities of “aggregators” and “brokers” on the natural gas side should be regulated under the Natural Gas Choice and Competition Act. In response to IRRC’s comment about the Commission’s authority to decide which entities must be licensed, the Commission added definitions for “aggregators” and “brokers” involved in the sale, arrangement and purchase of natural gas to retail customers to the final-form regulation. See 66 Pa.C.S. § 2202. Additionally, the Commission amended its definition of a “nontraditional marketer” to ensure these entities engage only in the marketing of an NGS’s natural gas service to its members or constituents. However, the Commission also decided to add the term “nonselling marketer” to identify entities engaged only in marketing natural gas services to retail customers on behalf of a NGS. These “nonselling marketers” are not required to obtain a license unless they are under contract to more than one NGS. The Commission believes this provides sufficient consumer protection, but will not infringe on the competitive market.

Thus, for the purpose of the amendments to our regulation at 52 Pa. Code §§ 62.101–62.102, the definitions of “aggregators” and “brokers” in this final-form rulemaking refer to entities engaged in “the sale or arrangement of the sale of natural gas to retail gas customers” under 66 Pa.C.S. § 2202. Entities engaged solely in the marketing of natural gas to retail customers do not provide natural gas supply services as defined in Section 2202 of the Public Utility Code.

In response to IRRC’s comment about proving a threat to the public interest, comments received from the regulated community are instructive. The natural gas marketplace has seen a proliferation of “energy consultants” that interject themselves between the consumers and NGSs. These consultants currently operate as “marketing services consultants” and are outside the scope of our licensing requirements. However, “energy consultants” arrange for the sale of natural gas for the consumer and act as either agents or representatives of consumers. Presently, “energy consultants” may have a direct contract with the consumers, but they also may gather bids from multiple suppliers for the consumer and receive compensation through the NGS’s bill. Thus, safeguards need to be in place to protect consumers and to ensure that “energy consultants” disclose their fees and are accountable for their analysis of a customer’s natural gas needs. “Energy consultant” activities fall within the definition of “broker.” Therefore, entities that provide energy consultation services for customers should be required to obtain a license from the Commission regardless of whether or not they take title to the natural gas.

Further, the Commission noted RESA’s comments stating that there should be some form of symmetry and continuity between our governance of the licensed entities performing electric supply services on the electric side

with entities operating within the natural gas licensure regime, especially when they appear to be undertaking the same or similar functions. Accordingly, we revised Section 62.101 of our regulations by deleting the definition of “marketing services consultant” and incorporating the definitions for “aggregator” and “broker” set forth in the our EGS licensing regulations at 52 Pa. Code § 54.31.

PEMC commented that the Commission’s proposed revision to eliminate the current exemptions would dramatically expand the number of applicants the Commission must review and suppliers it must monitor. Additionally, Spark Energy commented that the existing definitions of marketing service consultant and nontraditional marketer were useful in describing which marketing entities would be subject to the Commission licensing requirements. Moreover, Spark Energy asserted that licensed NGSs and entities that perform only marketing duties should not be grouped together when identifying licensing requirements.

In its ANOFR, the Commission identified the primary focus of this rulemaking as whether entities essentially acting as aggregators, brokers or entities solely providing marketing services in the natural gas retail marketplace should be licensed under the Act. In order to bring clarity to the natural gas retail marketplace regarding the entities that must be licensed, as we stated above, we proposed the deletion of the current “marketing services consultant” definition and incorporated the terms “aggregator,” “broker” and “nonselling marketer” into the final-form regulation.

Our rationale for the licensure of natural gas “aggregators” and natural gas “brokers” has been fully discussed above. A “nonselling marketer” is an entity whose activities are limited to providing only marketing support services on behalf of one or more NGS firms. We noted the comments of RESA and NEMA that a “marketer” that operates under an exclusive contract with a single licensed NGS supplier to conduct natural gas-related marketing activities in its service territory should not be required to be separately licensed by the Commission. We agreed with the commenters that the line of accountability back to a single NGS is clear where there is a direct relationship and the NGS will be directly responsible for the marketer’s activities and for reporting requirements under Section 62.110. Accordingly, we incorporated this concept into the ANOFR by stating that a “nonselling marketer” under contract to a single NGS will not be required to obtain a license. Conversely, a nonselling marketer that interacts directly with an end-user customer or simultaneously represents more than one licensed NGS should be required to obtain a license so that if an action is brought by a customer or the Commission for violations of the Code, applicable regulations, Commission orders or other consumer protection safeguards, the appropriate party is clearly identifiable.

As to “nontraditional marketers,” we reinstated a modified definition for this term and exempted these entities from a licensing requirement. Nontraditional marketers are community-based organizations, civic, fraternal or other groups with a common interest that work with a licensed NGS to endorse that NGS’ natural gas supply service to its members. The members are not required to purchase the services from the endorsed NGS and, if the offer is accepted, the contract is between the member and the NGS. Under these circumstances, we believed it reasonable to not require a license for this type of activity.

Based upon our further consideration of these issues, the Commission proposed that an exemption from licens-

ing for entities providing “marketing” support services either (a) on behalf of the members of a civic or other community-based organization or (b) on behalf of a single NGS should remain intact. Thus, in contradiction to PEMC’s assertion, the Commission has retained some form of the previous exemption from licensing set forth in the existing regulations in the revised final-form regulation.

Spark Energy was also concerned that entities that perform only marketing duties but fall outside of the licensing exemption category, should not have to pay a license application fee. However, we noted that marketers/brokers and aggregators providing electric generation supply services have been required to pay a de minimus application fee that we are now requiring marketing entities on the natural gas side to pay. Such a de minimus fee has not had a negative impact, or chilling effect, on entities seeking to provide electric generation supply services and, therefore, is not expected to have a negative effect on entities seeking to participate in the natural gas retail market in order to conduct marketing support services.

Comments to the Advanced Notice of Final Rulemaking Order

RESA’s Comments

In general, RESA supports the revisions recommended in the Commission’s ANOFR. As an example, RESA agrees with the Commission that the licensing exemption for nontraditional marketers should be retained. However, RESA contends that the licensing exemption applicable to nonselling marketers who work for a single NGS should be clarified to state that the exemption attaches to marketers who work for no more than a single NGS in a given service territory. RESA suggests that a nonselling marketer who works for a single NGS that is licensed to provide service in a specific service territory should be permitted to work for another NGS that is licensed to provide service in a completely separate service territory without first obtaining a license. RESA believes that its proposed revision provides for necessary consumer protections while also supporting and promoting natural gas competition in Pennsylvania.

NEMA’s Comments

NEMA, like RESA above, supports the exemption from licensing of nonselling marketers operating exclusively for one NGS in a single utility service territory. NEMA states that an NGS should be responsible for the actions of third parties with whom they have entered into contractual relationships and who act exclusively in the NGS’s interest in a single utility service territory. NEMA identifies that the Commission’s suggested language in its ANOFR at Section 62.102(f) state that, “a nonselling marketer under contract to only one licensed NGS *may* not be required to obtain a license.” (Emphasis added). However, the text of the Commission’s ANOFR order concluded that a nonselling marketer *will not* be required to obtain a license. (Emphasis added). NEMA requests that the language in Section 62.102(f) be modified to reflect the Commission’s finding in the ANOFR order.

NEMA also recommends that licensing or registration requirements placed on aggregators, brokers and non-exclusive, nonselling marketers be imposed only after a showing of demonstrable need to safeguard the public has been made. In its comments, NEMA contends that if the Commission advances a uniform licensing requirement for aggregators, brokers and non-exclusive, nonselling marketers, then the licensure process for different entities in

the retail marketplace should be tailored to the activities they perform and the relative financial fitness and technical expertise that are required to perform their different roles. For example, NEMA suggests that license or registration applications for nonselling marketers might require information relevant to the entity’s ability to perform sales and marketing support services as opposed to the retail sale of the natural gas commodity, which is how the current licensing application is framed. Moreover, NEMA recommends information the Commission might consider collecting from these different entities including: (1) a list of officers and key management personnel; (2) contact information including the entity’s principal place of business as well as a local service agent; (3) an entity’s express agreement to abide by relevant Commission rules and regulations; (4) the demonstration of the requisite technical and operational experience to conduct its business; and (5) a listing of other states in which the entity currently does business.

Additionally, NEMA shares concern that the Commission should consider a form of minimal registration of individuals engaged in sales and marketing activities to residential consumers, other than NGS employees, exclusive agents, brokers and Multi-Level Marketing representatives. NEMA states that this could be as straightforward as requiring these individuals to file their names and contact information with the Commission to produce an identification number that would be presented to residential consumers during direct sales or marketing activities.

NEMA recommends that the Commission’s suggested definition of the term “broker” that was added in its ANOFR be revised to reflect common industry usage by clarifying that the broker is acting “on behalf of” NGSs when it is performing its service. Also, NEMA once again suggests a definition for “energy consultants” that act on behalf of consumers in the marketplace because these consultants may have direct contact with the consumer to arrange for the sale of natural gas on the consumer’s behalf. One particular concern raised by NEMA to the treatment of “energy consultants” is the disclosure of their fee to consumers.

Furthermore, NEMA contends that the title “nonselling marketer” may not correctly identify the types of activities that such entities undertake and could be better expressed in a manner more consistent with industry usage and understanding. NEMA suggests that these entities instead be denominated as “marketing services providers” or “sales channel partners.” Finally, NEMA supports the exemption from licensing of nontraditional marketers.

PIOGA’s Comments

In its comments, PIOGA echoes the general thrust of the comments of NEMA. Specifically, PIOGA supports (1) NEMA’s suggested definition of “energy consultant;” (2) NEMA’s suggested change of the term “nonselling marketer” to “marketing services provider;” (3) NEMA’s suggested revision to the term “broker;” and (4) the correction of the language in proposed Section 62.102(f) to implement the Commission’s finding in the ANOFR that nonselling marketers operating exclusively for one NGS need not be licensed. However, in contrast to NEMA’s recommendations, PIOGA suggests that nonselling marketers with an exclusive marketing relationship to an NGS that operates in more than one utility service area should be licensed. PIOGA contends that this situation is present in western PA where gas utility service territories overlap.

OCA's Comments

The OCA submitted comments in support of the Commission's proposed modifications to its licensing requirements for NGSs. The OCA cited the significance of the proposed changes as "broker/marketers" have taken up an increasingly significant role in the retail gas market. Also, the OCA supported the Commission's determination to not require a license for nontraditional marketers because the members of these groups are not required to purchase the services from any partnering NGS.

PEMC's Comments

PEMC, in its comments, supports the Commission's decision to incorporate the definitions of "broker" and "aggregator" from the electric supplier licensing regulations into the natural gas regulations. Additionally, PEMC favors the Commission's decision to leave intact the licensing exemption for "nonselling marketers" that provide marketing and sales support services on behalf of only one NGS because the alternative would result in significant costs for NGSs who rely on services from a range of partner firms to sell and deliver natural gas to retail consumers. PEMC recognizes that requiring licensing for nonselling marketers that work with multiple NGSs ensures a single entity can be held responsible for any violations of consumer protection or sales and marketing rules. Finally, PEMC supports the Commission's choice to continue the licensing exemption for nontraditional marketers which work on behalf of the members of a civic or other community-based organization.

Discussion of the comments to the Advanced Notice of Final Rulemaking

As stated in the Commission's ANOFR, entered February 28, 2013, at Docket No. L-2011-2266832, the focus of this rulemaking is to review: (1) whether the exemption from licensing for marketing services consultants and nontraditional marketers should be discontinued; and (2) whether all natural gas aggregators, marketers and brokers should be required to be licensed as NGSs in order to offer natural gas supply services to retail consumers.

RESA and NEMA, in their respective comments, request that the licensing exemption applicable to nonselling marketers working for a single NGS and set forth in the Commission's ANOFR should be clarified to state that the exemption applies to nonselling marketers who work for only one NGS in a single utility service territory. In part, this request was in response to the Commission's ANOFR wherein we noted comments that a "marketer" operating under an exclusive contract with a single licensed NGS to conduct natural gas-related marketing and sales activities *in its service territory* should not be required to be separately licensed by the Commission. (Emphasis added.) See ANOFR p. 15. The Commission agreed with commenters that when a nonselling marketer's line of accountability back to a single NGS is clear, meaning that a direct relationship exists and the NGS is directly responsible for the marketer's activities and for its reporting requirements under Section 62.110, a nonselling marketer under contract to a single NGS will not be required to obtain a license.

However, the Commission will not expand its licensing exemption at this time. First, the Commission recognizes that there are places in the Commonwealth, especially in western PA, where gas utility service territories overlap. To the extent that the proposals by RESA and NEMA would expand the licensing exemption for a "nonselling marketer" with an exclusive marketing relationship with only one NGS to an exemption that applies to a "nonsel-

ling marketer" that contracts with an NGS that operates in more than one utility service territory, no direct relationship or responsibility may be inferred in the event of abuse. Secondly, in forwarding administrative and regulatory efficiency, the rule proffered in the Commission's ANOFR is enforceable as both NGDCs and NGSs continue to expand the territories they service as natural gas competition continues to grow. Finally, the Commission believes that consumer protections are further enhanced by requiring "nonselling marketers" working for more than one NGS to be licensed, even when the NGSs operate in separate service territories.

The Commission will grant NEMA's request to have the language in the proffered revision of 62.102(f) modified to reflect the Commission's finding in its ANOFR. Thus, the language will state that a nonselling marketer is not required to obtain a license unless it is under contract to more than one licensed NGS.

In response to NEMA's recommendation that licensing or registration requirements be imposed on aggregators, brokers and non-exclusive, nonselling marketers only after a showing of demonstrable need to safeguard the public has been made, the Commission declines to delay in regulating these entities. First, the Act mandates that aggregators and brokers, because they are involved in the sale or the arrangement of the sale of natural gas to retail customers, must be licensed. We believe that entities interacting with retail consumers should have the appropriate regulatory oversight in the first instance, not after a violation or harm to the public has already occurred. Secondly, with respect to non-exclusive, nonselling marketers, we have determined it is the relationships with multiple NGSs that require these entities to obtain a license. The Commission seeks to ensure that a party against whom an action may be brought is clearly identifiable where waste, fraud and abuse occurs. Neither a delay in regulating these entities nor a light-handed approach to licensing or registration adequately safeguards the public.

NEMA also comments that if the Commission moves forward with its proposal to uniformly license aggregators, brokers and non-exclusive, nonselling marketers, then the licensure process should be tailored to the activities these entities perform and the relative financial fitness and technical expertise required in completing their different tasks. We agree with this suggestion in part. We note that pursuant Section 2208 of the Act and Section 62.111 of our regulations, which identify the licensing requirements for entities that sell or arrange for the sale of natural gas to retail gas customers, potential licensees have to pay an application fee and furnish a bond or other security. Based upon the activities that nonselling marketers perform, we will not establish a bonding requirement for non-selling marketers, as they do not provide natural gas supply service as defined in section 2202 of the Act. We do not believe that it is necessary for entities that provide only marketing services in the natural gas retail marketplace to furnish a bond in order to obtain a license from the Commission. The only cost that would potentially apply to nonselling marketers is the de minimus license application fee.

In its comments, NEMA requests that the Commission consider a form of minimal registration of individuals engaged in marketing activities to residential consumers. The Commission's suggested definition of a nonselling marketer currently refers only to a commercial entity, but makes no mention of an individual engaged in similar activities. Therefore, the Commission will take this oppor-

tunity to expand its definition of nonselling marketers to include individuals engaged in marketing activities to residential consumers. If these individuals are under contract to more than one NGS, like their commercial entity counterparts, they will be required to obtain a license. While it is true that licensing these individuals will entail some cost for the license application fee, we note that the amounts are de minimus and are not expected to have a negative impact on the natural gas supply market. Moreover, in the Commission's judgment, the cost associated with obtaining a license are outweighed by the benefit to the public of ensuring that these marketing activities are performed by credible and responsible entities.

Additionally, for the purpose of clarification, the Commission will further amend its definition of "nonselling marketer" to state that an individual or commercial entity must be under contract to a licensed NGS to provide marketing services to retail customers for natural gas supply services. Moreover, in its ANOFR, the Commission added language to Section 62.102(e) stating "or which has a contract with an end-user retail natural gas customer." This clause will not be retained in the Commission's Final Rulemaking because there is no foreseeable circumstance in which a marketer would work on behalf of a retail consumer rather than an NGS.

Finally, NEMA comments that the title "nonselling marketer" may not correctly identify the types of activities that such entities undertake. Instead, NEMA suggests these entities be called either "marketing services providers" or "sales channel partners." The Commission chooses not to adopt either of these titles which NEMA believes will better reflect industry usage and understanding. Neither suggestion properly encompasses that the key to an individual or commercial entity receiving the licensing exemption is that a marketer solely offers marketing services on behalf of the NGS and does not offer to "arrange for the sale of" natural gas supply services to retail consumers. While marketers may hand-out and introduce an NGS's services to the consumer, the consumer must contact the NGS directly to be provided with service or enter into a separate contractual relationship with a broker or an aggregator. Therefore, the Commission believes that the term "nonselling marketer" most accurately describes and covers the intent of the definition.

The Commission will also retain its amended definition of the term "nontraditional marketer" as proffered in its ANOFR and the exemption from licensing for these entities. The comments received to the Commission's ANOFR supported the continuation of this exemption.

Additionally, with respect to the Commission's regulation at 52 Pa. Code § 62.110(a)(3) (regarding reporting requirements and requiring a licensed NGS to file the names and addresses of nontraditional marketers and marketing services consultants acting as agents for the licensee), our Proposed Rulemaking Order suggested the deletion of this requirement. Logically, removing this requirement followed our recommendation, at the time, to delete the definitions of "nontraditional marketers" and "marketing services consultants" and to eliminate licensing exemptions entirely. However, as our ANOFR and now our Final Rulemaking Order reflect, a revised definition of "nontraditional marketers" and a new designation, "nonselling marketers," make certain marketing entities exempt from licensing. Thus, our Final Rulemaking Order will reinstate an amended Section 62.110(a)(3) to account for these entities and that will require licensed NGSs to

file the names and addresses of their agents as part of their annual reports to the Commission.

Both NEMA and PIOGA commented that a separate definition of "energy consultant" should be included in the Commission's revised regulations to complement the advanced definition of "broker." These "energy consultants" work on behalf of consumers as intermediaries between the consumer and an NGS for the sale and purchase of natural gas. While we acknowledge the latitude that is available to the Commission to separately delineate a definition of "energy consultant," entities that provide energy consultation services for consumers under our final form regulations will already be required to obtain a license from the Commission because their activities fall within the definition of "broker." Implicit in our definition of the term "broker" is the understanding that an entity acting as an agent or intermediary in the sale and purchase of natural gas, whether working on behalf of the retail consumer or the NGS, must be licensed. As Section 62.102(a) of our regulations state, in pertinent part, "an NGS, including an aggregator or a broker, may not . . . offer to provide, or provide natural gas supply services to retail consumers until it is granted a license by the Commission." Therefore, we decline to construct a separate definition for "brokers" working on behalf of consumers and reaffirm that all entities that act as agents or intermediaries in the sale and purchase of natural gas must be licensed.

In reaching the conclusion directly above, the Commission also rejects NEMA's recommendation to revise the suggested definition of the term "broker." In its comments, NEMA requests that the definition of "broker" read as follows:

Broker—An entity, licensed by the Commission, that acts **on behalf of more than one NGS** as an agent or intermediary in the sale and purchase of natural gas but does not take title to natural gas supply. (Additions in bold.)

This proffered addition would provide an exemption for licensure for entities providing brokering services for only one NGS and does not truly delineate the Commission's intent regarding the licensing of brokers. Currently, our regulations require that an NGS obtain a license before offering to provide or before providing natural gas supply services to retail consumers. See 52 Pa. Code § 62.102(a). This steadfast rule has been applied to all entities that provide natural gas supply services irrespective of whether the entity acts on behalf of more than one NGS. If an entity is not solely engaged in marketing services to retail consumers on behalf of a licensed NGS, but also in the provision of natural gas supply services, that entity must obtain a license.

Conclusion

This order sets forth final-form regulations concerning NGS licensing that eliminate the definition of marketing service consultants and modify the exemption from licensing requirements set forth in the current regulations. Consistent with our authority and obligations under the Act, particularly, Chapter 22 of the Public Utility Code (66 Pa.C.S. §§ 2201—2212), the Commission is establishing rules and regulations that will bring the benefits of natural gas competition and customer choice to retail consumers. The purpose of the regulations is to eliminate barriers to supplier entry and participation in the marketplace. Accordingly, under sections 501 and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501 and 1501); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No.

240) (45 P.S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1, 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—7.235, we find that the regulations for establishing a licensing requirements for NGSs as set forth in Annex A should be approved; *Therefore,*

It Is Ordered That:

1. The Secretary shall serve a copy of this order and Annex A on all jurisdictional natural gas distribution companies, natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at Docket No. L-2008-2069114, Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets.

2. The Secretary shall certify this order and Annex A and deposit them with the Legislative Bureau for publication in the *Pennsylvania Bulletin*.

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

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

5. 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 the Independent Regulatory Review Commission.

6. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

7. The Office of Competitive Market Oversight shall electronically send a copy of this Order and Annex A on all persons on the contact list for the Stakeholders Exploring Avenues to Remove Competitive Hurdles (SEARCH).

8. A copy of this Order and Annex A shall be posted on the Commission's website at the Office of Competitive Market Oversight's web page.

9. The contact persons for this Final Rulemaking are David E. Screven, Assistant Counsel, (717) 787-2126 (legal), Colin W. Scott, Assistant Counsel, (717) 783-5949 (legal) and Brent Killian, Bureau of Technical Utility Services, (717) 783-0350 (technical). Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Review Assistant, Law Bureau, (717) 772-4597.

Statement of Commissioner Pamela A. Witmer

Before the Commission today is the Final Rulemaking Order concerning revisions to the Commission's requirements for Natural Gas Supplier (NGS) licensing that, among other things, removes the exemption for marketing services consultants, establishes new definitions and clarifies the NGS licensing requirements for "aggregators" and "brokers." These changes better reflect the statute as well as current business standards and practices. Importantly, these changes also provide better symmetry and continuity between the treatment of licensed entities on the electric side with entities subject to our NGS licensing requirements, both of which are providing the same service to the competitive market.

As I stated in October 2011 when the Commission first initiated this rulemaking process, "I believe it is necessary for the Commission to periodically review both the Public Utility Code and our regulations to ensure that their purpose is being properly effectuated." I continue to believe that it is appropriate to periodically review statutory requirements, regulations, and policy statements to ensure that all are in synch, are being properly effectuated and reflect current standards.

I want to commend the good work of staff as well as the thoughtful comments received that resulted in today's Final Rulemaking Order. This rulemaking recognizes the important role aggregators and brokers have come to play in the natural gas competitive retail market and provides more clarity to the natural gas industry and more transparency to consumers regarding what is expected of these entities. Furthermore, using similar terminology across the electric and natural gas industries will reduce customer confusion and will allow companies that supply or sell both commodities to more easily market their products across the Commonwealth.

I remain steadfast in my belief that a functioning natural gas competitive retail market represents an economic opportunity and that this Commission should continue to actively explore ways to remove barriers to retail natural gas competition. I look forward to working with all interested parties going forward to further strengthen the state of natural gas competition in Pennsylvania.

PAMELA A. WITMER,
Commissioner

Public Meeting held
November 14, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

Petition for Reconsideration of the Commission's Rulemaking regarding Licensing Requirements for Natural Gas Suppliers Regulations at 52 Pa. Code § 62.101—§ 62.102; L-2011-2266832

Order

By the Commission:

Before the Commission for consideration and disposition is a Petition for Clarification and/or Reconsideration (Petition) filed by Washington Gas Energy Services (Washington Gas) on August 30, 2013, in the above-captioned proceeding. The Petition refers to the Commission's Final Rulemaking Order that was issued on August 15, 2013 (August 15th Final Rulemaking Order), which set forth final form regulations regarding the scope of the licensure of Natural Gas Suppliers. No Response to the Petition has been filed. For the reasons set forth herein, we will grant the Petition and will modify the August 15th Final Rulemaking Order by revising the definition of nontraditional marketers set forth in our final regulations.

Background

On June 22, 1999, Governor Thomas J. Ridge signed into law the Natural Gas Choice and Competition Act, effective July 1, 1999, 66 Pa.C.S. §§ 2201—2212 (Act). Pursuant to the Act, beginning on November 1, 1999, retail customers were given the ability to choose a Natural Gas Supplier (NGS) to provide them with natural gas supply services.

Section 2208(a) of the Act requires that no entity can engage in the business of an NGS unless it holds a license issued by the Commission. 66 Pa.C.S. § 2208(a). The term NGS is defined, in part, as:

An entity other than a natural gas distribution company, but including natural gas distribution company marketing affiliates, which provides natural gas supply services to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution company.

66 Pa.C.S. § 2202. Further, the term “natural gas supply services” is defined, in part, as “the sale or arrangement of the sale of natural gas to retail gas customers,” 66 Pa.C.S. § 2202.⁷

On June 24, 1999, following the passage of the Act, the Commission issued a Tentative Order establishing a draft licensing application for the interim licensing of NGSs. On July 15, 1999, the Commission issued a Final Order, at Docket No. M-00991248F0002, that adopted the interim licensing procedures and license application for NGSs. The Final Order required all suppliers of retail natural gas supply services to obtain an NGS license except those natural gas local distribution companies providing service within their certificated service territories and municipal utilities providing service within their corporate or municipal limits.

Subsequently, in 2000, the Commission adopted a Proposed Rulemaking Order that revised its interim licensing procedures and promulgated proposed regulations governing the licensing requirements for NGSs. See 52 Pa. Code §§ 62.101—62.114. See Licensing Requirement for Natural Gas Suppliers, Proposed Rulemaking Order, Docket No. L-00000150, 30 Pa.B. 3073 (June 17, 2000). The Commission stated that its initial interpretation of the Act had been that every entity that engages in an activity listed as that undertaken by a natural gas supplier must be licensed. However, the Commission’s proposed rulemaking acknowledged that some activities may be undertaken by entities that will not have any direct physical or financial responsibility on the procurement of the customer’s natural gas. Accordingly, in the proposed regulations, the Commission decided to exempt from licensing two types of entities that worked as brokers or agents for NGSs and retail customers: marketing services consultant and nontraditional marketer. The proposed regulation set forth definitions of the terms “marketing services consultant” and “nontraditional marketer” and established an exemption from licensing for these entities. See 52 Pa. Code §§ 62.101, 62.102(d) and (e).

The Commission issued its June 2000 Proposed Rulemaking Order and corresponding proposed regulations for public comment. Some commenters supported the exemptions and others, including the Independent Regulatory Review Commission (IRRC), opposed them. In the subsequent Final Rulemaking Order, the Commission determined that marketing services consultants and nontraditional marketers were not engaged in the sale or arranging of natural gas supply services to retail consumers. Thus, the Commission concluded that these two entities fell outside of the definition of an NGS set forth in Section 2202 of the Act.

Furthermore, rather than require these entities to obtain a license themselves, the regulations emphasized

that the licensed NGSs would be responsible for any violations of the statute, regulations or orders or for any fraudulent, deceptive or other unlawful marketing or billing acts committed by a marketing services consultant or nontraditional marketer. See 52 Pa. Code § 62.102 (relating to scope of licensure). See also 52 Pa. Code § 62.110(a)(3) (NGSs must identify nontraditional marketers and marketing services consultants who are currently or will be acting as agents for the licensee in the upcoming year).

The regulations were finalized by the Commission in July 2001 in Licensing Requirements for Natural Gas Suppliers, Final Rulemaking Order, Docket No. L-00000150, 31 Pa.B. 3943 (July 21, 2001).

By Order entered January 13, 2012, the Commission initiated a rulemaking to review the scope of the NGS licensing regulations at 52 Pa. Code § 62.101 (relating to definitions) and § 62.102 (relating to scope of licensure). The Commission initiated the instant rulemaking proceeding to determine (1) if its current NGS licensing regulations conform with the plain language of the Act and reflect the current business plans of NGSs appearing before it; and (2) whether continuing certain licensing exemptions was in the public interest.

Specifically, the rulemaking was initiated to address whether or not to maintain the exemptions from the licensing requirement for marketing services consultants and nontraditional marketers. Furthermore, the Commission requested comments on whether it was appropriate to remove responsibility from a licensed NGS for violations of the Public Utility Code, and applicable Commission regulations, orders and directives and for fraudulent, deceptive or other unlawful marketing or billing acts committed by a marketing service consultant or a nontraditional marketer.

In the Proposed Rulemaking Order, the Commission suggested the following revisions to its NGS licensing regulations at 52 Pa. Code §§ 62.101—62.110: (1) deletion of the “marketing service consultant” and “nontraditional marketer” definitions; (2) the deletion of the exemptions set forth in Subsections 62.102(d) and (e) of the regulations and (3) the deletion of Subsection 62.110(a)(3) that requires a licensee to report the names and addresses of nontraditional marketers and marketing services consultants who are acting or will be acting as agents for the licensee in the upcoming year.

Comments to the proposed revisions were filed by Washington Gas, IRRC, National Energy Marketers Association (NEMA), Spark Energy Gas, LP, Retail Energy Supply Association (RESA) and the Pennsylvania Energy Marketers Coalition (PEMC). Based upon these comments, the Commission suggested further amendments to the NGS licensing regulations to add the definitions “aggregator,” “broker,” and “nonselling marketer” and to incorporate a revised definition of “nontraditional marketer.” The Commission issued its further revisions to the proposed regulations as an Advanced Notice of Final Rulemaking (ANOFr), entered February 28, 2013, and invited additional comments.

Specifically, the ANOFr proposed to continue the exemption from licensure for nontraditional marketers, but proposed the following new definition of nontraditional marketers:

Nontraditional marketer—A community-based organization, civic, fraternal or business association, or common interest group that works with a licensed NGS as an agent to market natural gas service to its

⁷ Specifically, Section 2202 of the Act, 66 Pa.C.S. § 2202, defines natural “gas supply services” as including (1) the sale or arrangement of the sale of natural gas to retail customers; and (2) services that may be unbundled by the Commission under section 2203(3) of the Act (relating to standards for restructuring of the natural gas utility industry) and excluding distribution service.

members or constituents. The nontraditional marketer may not require its members or constituents to obtain its natural gas service through a specific licensed NGS and *may not be compensated by the licensed NGS if members or constituents enroll with the licensed NGS.* (Emphasis added).

Comments to the ANOFR were filed by the RESA, NEMA, PEMC, the Pennsylvania Independent Oil and Gas Association (PIOGA), and the Office of Consumer Advocate (OCA). While these parties raised concerns related to various aspects of the proposed rulemaking order, which we then addressed in the final rulemaking order, none of the parties expressed opposition to the Commission's proposed new definition of "Nontraditional marketer," and all seemed to agree that it was reasonable to exempt nontraditional marketers from the licensing requirement. However, no party specifically addressed the "no-compensation" limitation in the new definition. Accordingly, in the Final Rulemaking Order issued August 15, 2013, the Commission approved the proposed new definition of Nontraditional Marketer that was included in the ANOPR (with minor format changes).

Washington Gas filed the instant petition seeking clarification on one aspect of the Commission's new definition of "Nontraditional Marketer," namely, the portion of the definition that addresses the payment of compensation to Nontraditional Marketers. No responses to the instant petition were filed.

Discussion

The Public Utility Code (Code) establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), 66 Pa.C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must also be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision. The standards for granting a Petition for Reconsideration were set forth in *Duick v. Pennsylvania Gas and Water Company*, 1982 Pa. PUC Lexis 4, *12-13 (1982):

A petition for reconsideration, under the provisions of 66 Pa.C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein it was said that: "[p]arties . . . , cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them . . ." What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Furthermore, the Commission has held that a Petition for Clarification must meet the same standard as a Petition for Reconsideration.

See Petition of PECO Energy Company for Approval of its Revised POR Program, Docket No. P-2009-2143607 (Opinion and Order issued August 10, 2010).

In considering this Petition, we are reminded that we are not required to consider expressly or at great length each and every contention raised by a party to our proceedings. *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Any argument that is not

specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Since we did not have the benefit of any comments regarding the "no compensation" limitation in the proposed rulemaking order and because Washington Gas has raised some legitimate concerns, these are new and novel arguments and, accordingly, we shall exercise our discretion to reconsider our prior determination on this issue.

In its petition, Washington Gas states that the in the final form regulation, the exemption from the licensing requirement for a nontraditional marketer is limited only to those community-based civic, fraternal or business associations that receive no compensation from NGSs. As currently written, the new definition of Nontraditional Marketer set forth in the final form regulation states that "A Nontraditional Marketer....MAY NOT BE COMPENSATED BY THE LICENSED NGS IF MEMBERS OR CONSTITUENTS ENROLL WITH THE LICENSED NGS."

Washington Gas notes that the current regulation at 52 Pa. Code § 62.102 exempt nontraditional marketers from the requirement of obtaining a license because the Commission had determined that nontraditional marketers fall outside of the Act's definition of NGS since they are not engaged in the sale or arranging of natural gas supply to retail customers. Accordingly, the existing regulation permits the use of Community-based Civic, Fraternal or Business Associations to market natural gas services in the Commonwealth. Washington Gas asserts that such arrangements are not unusual, and have proven to be an effective method of expanding energy choice to residential and small business customers.

Washington Gas asserts that it agrees with the Commission that civic and community organizations should not be required to obtain a license in order to market natural gas services to their members. It also asserts, however, that there is no valid reason why the existence of a compensation arrangement between a nontraditional marketer and an NGS should change this conclusion. Washington Gas notes that the existing regulations at 52 Pa. Code §§ 62.101 and 62.102 do not include any limitation that would preclude nontraditional marketers from receiving compensation from NGSs. Conversely, the current regulations clearly do not prohibit the receipt of compensation from an NGS.

Washington Gas asserts that limitation in the new definition of nontraditional marketer could be interpreted to mean that Nontraditional Marketers are not necessarily compensated by the NGS, or that Nontraditional Marketers may or may not be compensated by the NGS. But the Commission should clarify that this language does not mean that Nontraditional Marketers must not be compensated by the NGS.

Washington Gas states that requiring community and civic organizations to obtain an NGS license in order to receive compensation from their NGS partners will have a chilling effect on these arrangements, as most organizations would have no interest in taking the steps necessary to obtain a license and remain compliant with the rules and regulations that go along with being an NGS, as RESA discussed in its comments to the ANOPR, at p. 6.

Furthermore, Washington Gas asserts that the August 15th Final Rulemaking Order does not discuss why such a strict limitation is imposed or the rationale behind its imposition. Accordingly, Washington Gas states that since there is no discussion of the "no-compensation" limitation

for nontraditional marketers in the Final Rulemaking Order, this issue appears to have been overlooked and its Petition for Clarification/Reconsideration should be granted to address fully address this issue.

Alternatively, Washington Gas requests that instead of clarifying its intent regarding the new definition of Nontraditional Marketer, the Commission should revise the new definition to exclude the language which states that the Nontraditional Marketer “MAY NOT BE COMPENSATED BY THE LICENSED NGS IF MEMBERS OR CONSTITUENTS ENROLL WITH THE LICENSED NGS.” Washington Gas asserts that removing the limiting language would be consistent with the current regulation and would reflect the current business practices of NGSs in the Commonwealth.

Upon our review and consideration of the Washington Gas’ petition, we agree that the definition of Nontraditional Marketer set forth in our prior order should be amended. First of all, the Commission notes that the current regulation, which has been in place since 2001, contains no such limitation on a nontraditional marketer receiving compensation from an NGS, and there was no evidence in the record presented to suggest that there is a need for such a limitation. The Commission acknowledges that no objection has been made by any of the commenters regarding prohibiting a Nontraditional Marketers from receiving some form of compensation from the NGS based on the enrollment of the organization’s members.

Furthermore, the receipt of a fee does not bring the Nontraditional Marketer within the Act’s definition of “Natural Gas Supplier,” because the Nontraditional Marketer will still not be engaged in the sale or arranging of natural gas supply service to retail customers. In situations where a Nontraditional Marketer receives compensation from the NGS, customers still contract directly with the NGS for supply, and the NGS is still responsible for any violations of the statute, regulations, and orders for acts committed by the Nontraditional Marketer.

In the final form regulation in the present docket, the Commission acknowledged that it is reasonable not to require Community-based Civic, Fraternal or Business Associations to obtain an NGS license, on the condition that the organization’s members are not required to purchase the services from the endorsed NGS and if the offer is accepted the contract is between the member and the NGS. Accordingly, since no rationale was presented for adding a new limitation to the Nontraditional Marketer definition that would have the effect of requiring licensure for Nontraditional Marketers that receive a fee from an NGS based on members who enroll with the NGS, the Commission will revise the new definition of nontraditional marketer in the final form regulation by deleting this limitation.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 3, 2012, the Commission submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 2034 (April 14, 2012) and Annex A, 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 April 30, 2014, 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 1, 2014, and approved the final-form rulemaking.

Therefore,

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 62, are amended by amending §§ 62.101, 62.102 and 62.110 to read as set forth in Annex A.

2. The Commission hereby grants the Petition for Clarification and/or Reconsideration (Petition) filed by Washington Gas Energy Services.

3. The Commission hereby revises Annex A to its August 15, 2013 Final Rulemaking Order (August 15th Final Rulemaking Order) in the previously-captioned proceeding by modifying the definition of nontraditional marketer set forth in 52 Pa. Code § 62.101 to read as follows:

Nontraditional marketer—A community-based organization, civic, fraternal or business association, or common interest group that works with a licensed NGS as an agent to market natural gas service to its members or constituents. A nontraditional marketer may not require its members or constituents to obtain its natural gas service through a specific licensed NGS.

4. The Secretary’s Bureau shall serve a copy of the instant order granting reconsideration of the August 15th Final Rulemaking Order on all jurisdictional natural gas distribution companies, natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at Docket No. L-2008-2069114, Natural Gas Distribution Companies and the Promotion of Competitive Retail Markets.

5. The Secretary’s Bureau shall submit the August 15th Final Rulemaking Order, the instant order and revised Annex A to the Governor’s Budget Office for review of fiscal impact and the Office of Attorney General for approval as to legality.

6. The Secretary’s Bureau shall submit the August 15th Final Rulemaking Order, the instant order and revised Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

7. The Secretary’s Bureau shall certify the August 15th Final Rulemaking Order, the instant order and revised Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

8. The final regulations become effective upon publication in the *Pennsylvania Bulletin*.

9. A copy of the instant order and revised Annex A shall be posted on the Commission’s web site at the Office of Competitive Market Oversight’s web page.

ROSEMARY CHIAVETTA,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2965 (May 17, 2014).)

Fiscal Note: Fiscal Note 57-288 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE

Subchapter D. LICENSING REQUIREMENTS FOR NATURAL GAS SUPPLIERS

§ 62.101. Definitions.

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

Act—66 Pa.C.S §§ 2201—2212 (relating to Natural Gas Choice and Competition Act).

Aggregator—An entity, licensed by the Commission, that purchases natural gas and takes title to it as an intermediary for sale to retail customers.

Applicant—A person or entity seeking to obtain a license to supply retail natural gas supply services to retail customers.

Broker—An entity, licensed by the Commission, that acts as an agent or intermediary in the sale and purchase of natural gas that does not take title to natural gas supply.

City natural gas distribution operation—A collection of real and personal assets used for distributing natural gas to retail gas customers owned by a city or a municipal authority, nonprofit corporation or public corporation formed under section 2212(m) of the act (relating to city natural gas distribution operations).

License—A license granted to an NGS under this subchapter.

Licensee—A person or entity that has obtained a license to provide natural gas supply services to retail customers.

Marketing—The publication, dissemination or distribution of informational and advertising materials regarding the licensed NGS's natural gas supply services and products to the public by personal contact, print, broadcast, electronic media, direct mail or by telecommunication.

NGDC—*Natural gas distribution company*—The term as defined in section 2202 of the act (relating to definitions).

NGS—*Natural gas supplier*—The term as defined in section 2202 of the act.

Natural gas supply services—The term as defined in section 2202 of the act.

Nonselling marketer—An individual or commercial entity, such as a telemarketing firm, door-to-door salesman or company, or auction-type web site, under contract to a licensed NGS, that provides marketing services to retail customers for natural gas supply services.

Nontraditional marketer—A community-based organization, civic, fraternal or business association, or common interest group that works with a licensed NGS as an agent to market natural gas service to its members or constituents. A nontraditional marketer may not require its members or constituents to obtain its natural gas service through a specific licensed NGS.

Offer to provide service—The extension of an offer to provide services or products communicated orally or in writing to a customer.

Retail gas customer—The term as defined in section 2202 of the act.

Supplier of last resort—A supplier approved by the Commission under section 2207(a) of the act (relating to obligation to serve) to provide natural gas supply services to customers who contracted for natural gas that was not delivered, or who did not select an alternative NGS, or who are not eligible to obtain competitive natural gas supply, or who return to the supplier of last resort after having obtained competitive natural gas supply.

§ 62.102. Scope of licensure.

(a) An NGS, including an aggregator or a broker, may not engage in marketing, or may not offer to provide, or provide natural gas supply services to retail customers until it is granted a license by the Commission.

(b) An NGDC acting within its certified service territory as a supplier of last resort is not required to obtain a license.

(c) The owners/operators of a building or facility that manage the internal distribution system supplying a building or facility and supply natural gas and other related services to occupants of the building or the facility where the owners/operators, and not the occupants, are the direct purchasers of the natural gas supply services are not required to obtain a license.

(d) A nontraditional marketer is not required to obtain a license. The licensed NGS is responsible for violations of 66 Pa.C.S. (relating to Public Utility Code), and applicable regulations of this part, orders and directives committed by the nontraditional marketer and fraudulent, deceptive or other unlawful marketing or billing acts committed by the nontraditional marketer.

(e) A nonselling marketer under contract to more than one licensed NGS is required to obtain a license.

(f) A nonselling marketer under contract to only one licensed NGS is not required to obtain a license. The licensed NGS is responsible for violations of 66 Pa.C.S. and applicable regulations of this part, orders and directives committed by the nonselling marketer and fraudulent, deceptive or other unlawful marketing or billing acts committed by the nonselling marketer.

§ 62.110. Reporting requirements.

(a) A licensee shall file an annual report on or before April 30 of each year, for the previous calendar year. The annual report must contain the following information:

(1) The total amount of gross receipts from the sales of natural gas supply services for the preceding calendar year.

(2) The total amount of natural gas sold during the preceding calendar year.

(3) The names and addresses of nontraditional marketers and nonselling marketers who are currently or will be acting as agents for the licensee in the upcoming year.

(b) A licensee shall be required to meet periodic reporting requirements issued by the Commission to fulfill the Commission's duty under the act pertaining to reliability and to inform the Governor and General Assembly of the progress to a fully competitive natural gas market.

(c) The information requested in this section will be made available for public review upon request to the Commission subject to any rulings on confidentiality made by the Commission.

[Pa.B. Doc. No. 14-1248. Filed for public inspection June 13, 2014, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 1187 AND 1189]

Supplemental Ventilator Care and Tracheostomy Care Payment for Medical Assistance Nursing Facilities

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1), adds § 1187.117 (relating to supplemental ventilator care and tracheostomy care payments) and amends § 1189.105 (relating to incentive payments) to read as set forth in Annex A. Notice of proposed rulemaking was published at 43 Pa.B. 4855 (August 24, 2013).

Purpose of Final-Form Rulemaking

The purpose of this final-form rulemaking is to change the Department's methods and standards for payment of Medical Assistance (MA) nursing facility services to offer two new categories of supplemental payment to qualified MA nursing facilities.

This final-form rulemaking is needed to address the financial impact that the implementation of the current Resource Utilization Group III (RUG-III) version 5.12 (RUG v. 5.12) resident classification system and the phase-out of the older RUG v. 5.01 has on nursing facilities that care for a significant number of MA ventilator care and tracheostomy care residents.

Background

The Department published a notice at 42 Pa.B. 3824 (June 30, 2012) announcing its intention to implement a new category of supplemental ventilator care payment to qualified MA nonpublic and county nursing facilities that provide medically necessary ventilator care for a significant portion of their MA-recipient resident population. The Department submitted State Plan Amendment (SPA) 12-030 on September 27, 2012, regarding supplemental ventilator care payments to nonpublic and county nursing facilities to the Centers for Medicare and Medicaid Services (CMS). CMS approved the SPA on December 13, 2012, with an effective date of July 1, 2012. On August 24, 2013, the Department published a proposed rulemaking at 43 Pa.B. 4855 regarding the supplemental ventilator care payment for MA nursing facilities.

After soliciting and considering public comments, the Department decided to offer the supplemental payment to qualified MA nonpublic and county nursing facilities that provide medically necessary ventilator care or tracheostomy care for a significant portion of their MA-recipient resident population. Making these additional funds available to promote the growth of ventilator care and tracheostomy care is part of the Department's ongoing efforts to ensure that MA recipients continue to receive access to medically necessary nursing facility services and that

those services result in quality care that improves the lives of those who receive them.

The Department intends to submit a SPA to CMS end-dating the supplemental ventilator care payment and adding a supplemental ventilator care and tracheostomy care payment.

Affected Individuals and Organizations

This final-form rulemaking affects nonpublic and county nursing facilities enrolled in the MA Program.

Accomplishments and Benefits

This final-form rulemaking benefits MA nursing facility residents in this Commonwealth by ensuring they continue to have access to medically necessary nursing facility services and that those services result in quality care that improves the lives of those who receive them.

Fiscal Impact

This change resulted in an annual supplemental ventilator care payment of \$1.825 million in total funds (\$0.848 million in State funds) in Fiscal Year (FY) 2012-2013. The estimated annual supplemental ventilator care payment is \$1.825 million in total funds (\$0.848 million in State funds) for FY 2013-2014. The estimated supplemental ventilator care and tracheostomy care payments are \$3.965 million in total funds (\$1.911 million in State funds) for FY 2014-2015.

Paperwork Requirements

There are no new or additional paperwork requirements. The Case-Mix Index (CMI) Report used to determine the number of MA-recipient residents who receive ventilator care or tracheostomy care is an existing report.

Public Comment

The Department received seven letters through the public comment process, which included written comments from nursing facility providers, hospitals and a consulting group. The Independent Regulatory Review Commission (IRRC) also commented on the proposed rulemaking.

Discussion of Comments and Major Changes

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

General—Ventilator exception program and peer group 13

One commentator requested further details and a summary of the changes the final-form rulemaking will have on those currently in the ventilator exception program or peer group 13.

Response

The Department contacted the commentator and advised the commentator that the information requested can be found in the Regulatory Analysis Form (RAF) posted on the IRRC web site at <http://www.irrc.state.pa.us/>.

No one will be adversely affected by the final-form rulemaking. In addition, this final-form rulemaking positively affects MA nonpublic and county nursing facilities that provide ventilator care or tracheostomy care for a significant portion of their MA-recipient resident population by receiving additional reimbursement for providing these medically necessary services.

§§ 1187.117 and 1189.105(c)—*Ventilator care and tracheostomy care patients*

Three commentators expressed gratitude for the Department recognizing the additional costs incurred by providers who care for ventilator patients. However, six commentators requested that the Department also consider including MA residents who require tracheostomy care in the formula used to calculate the supplemental payment. Several of the commentators stated that there is little to no cost difference between residents on a ventilator and those receiving tracheostomy care because both require the same level of care and monitoring. Some commentators expressed concerns about the unintended negative financial consequences of not including tracheostomy care residents in the formula. These commentators are concerned with the facilities' ability to remain financially viable with the increase of MA recipients resulting in increasing dependency on the level of MA reimbursement. Two commentators stated facilities that can accommodate ventilator and tracheostomy care residents are very limited and should be supported to maintain placement options.

IRRC also requested that the Department consider including trach collar patients at the same reimbursement level as ventilator patients.

Response

After careful consideration, the Department decided to offer the supplemental payment to qualified MA nonpublic and county nursing facilities that provide medically necessary ventilator care or tracheostomy care for a significant portion of their MA-recipient resident population. The supplemental ventilator care payment is effective July 1, 2012, through June 30, 2014, and the supplemental ventilator care and tracheostomy care payment will be effective July 1, 2014, and thereafter. The Department amended §§ 1187.117 and 1189.105(c) by ending the supplemental ventilator care payments effective June 30, 2014. Sections 1187.117 and 1189.105(c) were also amended to include provisions for a supplemental ventilator care and tracheostomy care payment effective July 1, 2014. In addition, these sections were renumbered accordingly. The supplemental ventilator care and tracheostomy care payment will be calculated on a quarterly basis and paid to nursing facilities caring for a minimum of ten MA-recipient residents who receive medically necessary ventilator care or tracheostomy care, with at least 10% of the facility's MA-recipient resident population receiving medically necessary ventilator care or tracheostomy care. For those nursing facilities meeting both of the threshold criteria on the appropriate picture date, the total supplemental ventilator care and tracheostomy care payment is the nursing facility's supplemental ventilator care and tracheostomy care per diem multiplied by the number of paid MA facility days and therapeutic leave days. If the Department grants a nursing facility a waiver to the 180-day billing requirement, the MA-paid days billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the supplemental ventilator care and tracheostomy care payment and the payment amount will not be retroactively revised. Since this payment is a supplemental payment and not part of the case-mix per diem rates, it is not subject to the budget adjustment factor under § 1187.96 (relating to price- and rate-setting computations).

A nursing facility's supplemental ventilator care and tracheostomy care per diem is calculated as follows: ((number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents).

The maximum supplemental ventilator care and tracheostomy care per diem is \$69 for nursing facilities whose percent of MA-recipient residents who received medically necessary ventilator care or tracheostomy care to total MA-recipient residents equals 100%.

In addition, the Department added language to final-form §§ 1187.117(a)(1)(iv) and 1189.105(c)(1)(i)(D) (proposed §§ 1187.117(a)(4) and 1189.105(c)(1)(iv)) and final-form § 1187.117(b)(1)(iv) to clarify the total MA-recipient residents listed on the nursing facility's CMI report does not include MA-pending individuals or those individuals found to be eligible after the nursing facility submits a valid CMI report as provided under § 1187.33(a)(5) (relating to resident data and picture date reporting requirements). Further examples to clarify the term "two percentage decimal points" were added to final-form § 1187.117(a)(1)(ii) (proposed § 1187.117(a)(2)), § 1187.117(b)(1)(ii), § 1189.105(c)(1)(i)(B) (proposed § 1189.105(c)(1)(ii)) and § 1189.105(c)(2)(i)(B).

Regulatory Review Act

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 4855, to IRRC and the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare 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 April 30, 2014, 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 1, 2014, and approved the final-form rulemaking.

Findings

The Department finds that:

(a) The public notice of intention to adopt § 1187.117 and amend § 1189.105 by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(b) The adoption of this final-form rulemaking in the manner provided by this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 1187 and 1189, are amended by adding § 1187.117 and amending § 1189.105 to read as set forth in Annex A.

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

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

(d) Sections 1187.117(a) and 1189.105(c)(1) shall take effect upon publication and apply retroactively from July 1, 2012, through June 30, 2014. Sections 1187.117(c)—(e) and 1189.105(c)(3)—(5) shall take effect upon publication and apply retroactively from July 1, 2012. Sections 1187.117(b) and 1189.105(c)(2) take effect July 1, 2014.

BEVERLY D. MACKERETH,
Secretary

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2965 (May 17, 2014).)

Fiscal Note: 14-535. (1) General Fund; (2) Implementing Year 2013-14 is \$848,000; (3) 1st Succeeding Year 2014-15 is \$1,911,000; 2nd Succeeding Year 2015-16 is \$1,911,000; 3rd Succeeding Year 2016-17 is \$1,911,000; 4th Succeeding Year 2017-18 is \$1,911,000; 5th Succeeding Year 2018-19 is \$1,911,000; (4) 2012-13 Program—\$765,923,000; 2011-12 Program—\$737,356,000; 2010-11 Program—\$728,907,000; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1187. NURSING FACILITY SERVICES

Subchapter H. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS

§ 1187.117. Supplemental ventilator care and tracheostomy care payments.

(a) *Supplemental ventilator care payments.*

(1) A supplemental ventilator care payment will be made each calendar quarter, effective July 1, 2012, through June 30, 2014, to nursing facilities subject to the following:

(i) To qualify for the supplemental ventilator care payment, the nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(A) The nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care.

(B) The nursing facility shall have a minimum of 10% of their MA-recipient resident population receiving medically necessary ventilator care.

(ii) Under subparagraph (i), the percentage of the nursing facility’s MA-recipient residents who require medically necessary ventilator care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care by the total number of MA-recipient residents as described in paragraph (2)(i). The result of this calculation will be rounded to two percentage decimal points. (For example, 0.0945 will be rounded to 0.09 (or 9%); 0.1262 will be rounded to 0.13 (or 13%).)

(iii) To qualify as an MA-recipient resident who receives medically necessary ventilator care, the resident shall be listed as an MA resident and have a positive

response for the MDS item for ventilator use on the Federally-approved PA-specific MDS assessment listed on the nursing facility’s CMI report for the applicable picture date.

(iv) The number of total MA-recipient residents is the number of MA-recipient residents listed on the nursing facility’s CMI report for the applicable picture date. MA-pending individuals or those individuals found to be MA eligible after the nursing facility submits a valid CMI report for the picture date as provided under § 1187.33(a)(5) (relating to resident data and picture date reporting requirements) may not be included in the count and may not result in an adjustment of the percent of ventilator dependent MA residents.

(v) The applicable picture dates and the authorization of a quarterly supplemental ventilator care payment are as follows:

<i>Picture Dates</i>	<i>Authorization Schedule</i>
February 1	September
May 1	December
August 1	March
November 1	June

(vi) If a nursing facility fails to submit a valid CMI report for the picture date as provided under § 1187.33(a)(5), the facility cannot qualify for a supplemental ventilator care payment.

(2) A nursing facility’s supplemental ventilator care payment is calculated as follows:

(i) The supplemental ventilator care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents).

(ii) The amount of the total supplemental ventilator care payment is the supplemental ventilator care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(b) *Supplemental ventilator care and tracheostomy care payment.*

(1) A supplemental ventilator care and tracheostomy care payment will be made each calendar quarter, effective July 1, 2014, to nursing facilities subject to the following:

(i) To qualify for the supplemental ventilator care and tracheostomy care payment, the nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(A) The nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care or tracheostomy care.

(B) The nursing facility shall have a minimum of 10% of their MA-recipient resident population receiving medically necessary ventilator care or tracheostomy care.

(ii) Under subparagraph (i), the percentage of the nursing facility’s MA-recipient residents who require medically necessary ventilator care or tracheostomy care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care by the total number of MA-recipient residents as described in paragraph (2)(i). The result of this calculation will be rounded to two

percentage decimal points. (For example, 0.0945 will be rounded to 0.09 (or 9%); 0.1262 will be rounded to 0.13 (or 13%).)

(iii) To qualify as an MA-recipient resident who receives medically necessary ventilator care or tracheostomy care, the resident shall be listed as an MA resident and have a positive response for the MDS item for ventilator use or tracheostomy care on the Federally-approved PA-specific MDS assessment listed on the nursing facility's CMI report for the applicable picture date.

(iv) The number of total MA-recipient residents is the number of MA-recipient residents listed on the nursing facility's CMI report for the applicable picture date. MA-pending individuals or those individuals found to be MA eligible after the nursing facility submits a valid CMI report for the picture date as provided under § 1187.33(a)(5) may not be included in the count and may not result in an adjustment of the percent of ventilator dependent or tracheostomy care MA residents.

(v) The applicable picture dates and the authorization of a quarterly supplemental ventilator care and tracheostomy care payment are as follows:

<i>Picture Dates</i>	<i>Authorization Schedule</i>
February 1	September
May 1	December
August 1	March
November 1	June

(vi) If a nursing facility fails to submit a valid CMI report for the picture date as provided under § 1187.33(a)(5), the facility cannot qualify for a supplemental ventilator care and tracheostomy care payment.

(2) A nursing facility's supplemental ventilator care and tracheostomy care payment is calculated as follows:

(i) The supplemental ventilator care and tracheostomy care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents).

(ii) The amount of the total supplemental ventilator care and tracheostomy care payment is the supplemental ventilator care and tracheostomy care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(c) *Waiver to 180-day billing requirement.* If the Department grants a nursing facility a waiver to the 180-day billing requirement, then the MA-paid days that may be billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the supplemental ventilator care payment under subsection (a) or the supplemental ventilator care and tracheostomy care payment under subsection (b). The Department will not retroactively revise the supplemental payment amount under subsections (a) and (b).

(d) *Calculation of qualifying facility's supplemental ventilator care or supplemental ventilator care and tracheostomy care payments.* The paid MA facility and therapeutic leave days used to calculate a qualifying facility's supplemental ventilator care or supplemental ventilator care and tracheostomy care payments under subsections (a)(2)(ii) and (b)(2)(ii) will be obtained from the calendar quarter that contains the picture date used in the qualifying criteria as described in subsections (a) and (b).

(e) *Quarterly payments.* The supplemental ventilator care or supplemental ventilator care and tracheostomy care payments will be made quarterly in each month listed in subsections (a) and (b).

CHAPTER 1189. COUNTY NURSING FACILITY SERVICES

Subchapter E. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS

§ 1189.105. Incentive payments.

(a) *Disproportionate share incentive payment.*

(1) A disproportionate share incentive payment will be made based on MA paid days of care times the per diem incentive to facilities meeting the following criteria for a 12-month facility cost reporting period:

(i) The county nursing facility shall have an annual overall occupancy rate of at least 90% of the total available bed days.

(ii) The county nursing facility shall have an MA occupancy rate of at least 80%. The MA occupancy rate is calculated by dividing the MA days of care paid by the Department by the total actual days of care.

(2) The disproportionate share incentive payments will be based on the following:

	<i>Overall Occupancy</i>	<i>MA Occupancy (y)</i>	<i>Per Diem Incentive</i>
Group A	90%	$\geq 90\% \text{ y}$	\$3.32
Group B	90%	$88\% \leq \text{y} < 90\%$	\$2.25
Group C	90%	$86\% \leq \text{y} < 88\%$	\$1.34
Group D	90%	$84\% \leq \text{y} < 86\%$	\$0.81
Group E	90%	$82\% \leq \text{y} < 84\%$	\$0.41
Group F	90%	$80\% \leq \text{y} < 82\%$	\$0.29

(3) The disproportionate share incentive payments as described in paragraph (2) will be inflated forward using the first quarter issue CMS Nursing Home Without Capital Market Basket Index to the end point of the rate setting year for which the payments are made.

(4) These payments will be made annually within 120 days after the submission of an acceptable cost report provided that payment will not be made before 210 days of the close of the county nursing facility fiscal year.

(5) For the period July 1, 2005, to June 30, 2009, the disproportionate share incentive payment to qualified county nursing facilities shall be increased to equal two times the disproportionate share per diem incentive calculated in accordance with paragraph (3).

(i) For the period commencing July 1, 2005, through June 30, 2006, the increased incentive applies to cost reports filed for the fiscal period ending December 31, 2005.

(ii) For the period commencing July 1, 2006, through June 30, 2007, the increased incentive applies to cost reports filed for the fiscal period ending December 31, 2006.

(iii) For the period commencing July 1, 2007, through June 30, 2008, the increased incentive applies to cost reports filed for the fiscal period ending December 31, 2007.

(iv) For the period commencing July 1, 2008, through June 30, 2009, the increased incentive applies to cost reports filed for the fiscal period ending December 31, 2008.

(b) *Pay for performance incentive payment.* The Department will establish pay for performance measures that will qualify a county nursing facility for additional incentive payments in accordance with the formula and qualifying criteria in the Commonwealth's approved State Plan. For pay for performance payment periods beginning on or after July 1, 2010, in determining whether a county nursing facility qualifies for a quarterly pay for performance incentive, the facility's MA CMI for a picture date will equal the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date. An MA resident's CMI will be calculated using the RUG-III version 5.12 44 group values in Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system) and the most recent classifiable assessment of any type for the resident.

(c) *Supplemental ventilator care and tracheostomy care payments.*

(1) *Supplemental ventilator care payments.*

(i) A supplemental ventilator care payment will be made each calendar quarter, effective July 1, 2012, through June 30, 2014, to county nursing facilities subject to the following:

(A) To qualify for the supplemental ventilator care payment, the county nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(I) The county nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care.

(II) The county nursing facility shall have a minimum of 10% of its MA-recipient resident population receiving medically necessary ventilator care.

(B) For purposes of subparagraph (i), the percentage of the county nursing facility's MA-recipient residents who require medically necessary ventilator care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care by the total number of MA-recipient residents as described in subparagraph (ii)(A). The result of this calculation will be rounded to two percentage decimal points. (For example, 9% not 9.45%; 13% not 12.62%.)

(C) To qualify as an MA-recipient resident who receives medically necessary ventilator care, the resident shall be listed as an MA resident and have a positive response for the MDS item for ventilator use on the Federally-approved PA-specific MDS assessment listed on the county nursing facility's CMI report for the applicable picture date.

(D) The number of total MA-recipient residents is the number of MA-recipient residents listed on the county nursing facility's CMI report for the applicable picture date. MA-pending individuals or those individuals found to be MA eligible after the county nursing facility submits a valid CMI report for the picture date as provided under § 1187.33(a)(5) (relating to resident data and picture date reporting requirements) may not be included in the count and may not result in an adjustment of the percent of ventilator dependent MA residents.

(E) The applicable picture dates and the authorization of a quarterly supplemental ventilator care payment are as follows:

<i>Picture Dates</i>	<i>Authorization Schedule</i>
February 1	September
May 1	December
August 1	March
November 1	June

(F) If a county nursing facility fails to submit a valid CMI report for the picture date as provided under § 1187.33(a)(5), the facility cannot qualify for a supplemental ventilator care payment.

(ii) A county nursing facility's supplemental ventilator care payment is calculated as follows:

(A) The supplemental ventilator care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents).

(B) The amount of the total supplemental ventilator care payment is the supplemental ventilator care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(2) *Supplemental ventilator care and tracheostomy care payment.*

(i) A supplemental ventilator care and tracheostomy care payment will be made each calendar quarter, effective July 1, 2014, to county nursing facilities subject to the following:

(A) To qualify for the supplemental ventilator care and tracheostomy care payment, the county nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(I) The county nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care or tracheostomy care.

(II) The county nursing facility shall have a minimum of 10% of its MA-recipient resident population receiving medically necessary ventilator care or tracheostomy care.

(B) For purposes of subparagraph (i), the percentage of the county nursing facility's MA-recipient residents who require medically necessary ventilator care or tracheostomy care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care by the total number of MA-recipient residents as described in subparagraph (ii)(A). The result of this calculation will be rounded to two percentage decimal points. (For example, 0.0945 will be rounded to 0.09 (or 9%); 0.1262 will be rounded to 0.13 (or 13%).)

(C) To qualify as an MA-recipient resident who receives medically necessary ventilator care or tracheostomy care, the resident shall be listed as an MA resident and have a positive response for the MDS item for ventilator use or tracheostomy care on the Federally-approved PA-specific MDS assessment listed on the county nursing facility's CMI report for the applicable picture date.

(D) The number of total MA-recipient residents is the number of MA-recipient residents listed on the county nursing facility's CMI report for the applicable picture date. MA-pending individuals or those individuals found to be MA eligible after the county nursing facility submits a valid CMI report for the picture date as provided under § 1187.33(a)(5) may not be included in the count and may not result in an adjustment of the percent of ventilator dependent or tracheostomy care MA residents.

(E) The applicable picture dates and the authorization of a quarterly supplemental ventilator care and tracheostomy care payment are as follows:

<i>Picture Dates</i>	<i>Authorization Schedule</i>
February 1	September
May 1	December
August 1	March
November 1	June

(F) If a county nursing facility fails to submit a valid CMI report for the picture date as provided under

§ 1187.33(a)(5), the facility cannot qualify for a supplemental ventilator care and tracheostomy care payment.

(ii) A county nursing facility's supplemental ventilator care and tracheostomy care payment is calculated as follows:

(A) The supplemental ventilator care and tracheostomy care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care or tracheostomy care/total MA-recipient residents).

(B) The amount of the total supplemental ventilator care and tracheostomy care payment is the supplemental ventilator care and tracheostomy care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(3) *Waiver to 180-day billing requirement.* If the Department grants a county nursing facility a waiver to the 180-day billing requirement, the MA-paid days that may be billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the supplemental ventilator care payment under paragraph (1)(ii) or the supplemental ventilator care and tracheostomy care payment under paragraph (2)(ii). The Department will not retroactively revise the supplemental payment amount under paragraphs (1) and (2).

(4) *Calculation of quarterly payments.* The paid MA facility and therapeutic leave days used to calculate a qualifying facility's supplemental ventilator care or supplemental ventilator care and tracheostomy care payments under paragraphs (1)(ii) and (2)(ii) will be obtained from the calendar quarter that contains the picture date used in the qualifying criteria as described in paragraphs (1) and (2).

(5) *Quarterly payments.* The supplemental ventilator care or supplemental ventilator care and tracheostomy care payments will be made quarterly in each month listed in paragraphs (1) and (2).

[Pa.B. Doc. No. 14-1249. Filed for public inspection June 13, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Acceptance of Petitions for Study

On May 21, 2014, the Environmental Quality Board accepted three rulemaking petitions for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petitions, submitted by the Clearfield Creek Watershed Association, requests the amendment of 25 Pa. Code § 93.9l (relating to Drainage List L) to redesignate Beaverdam, Killbuck and Weyerough Runs in Cambria County from Cold Water Fishes: Migratory Fishes to Exceptional Value designation.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for this rulemaking petition will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at www.portal.state.pa.us/portal/server.pt/community/environmental_quality_board/21511/eqb_meeting_schedule_2014/1675744 (see May 21, 2014, meeting).

E. CHRISTOPHER ABRUZZO,
Chairperson

[Pa.B. Doc. No. 14-1250. Filed for public inspection June 13, 2014, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective June 3, 2014.

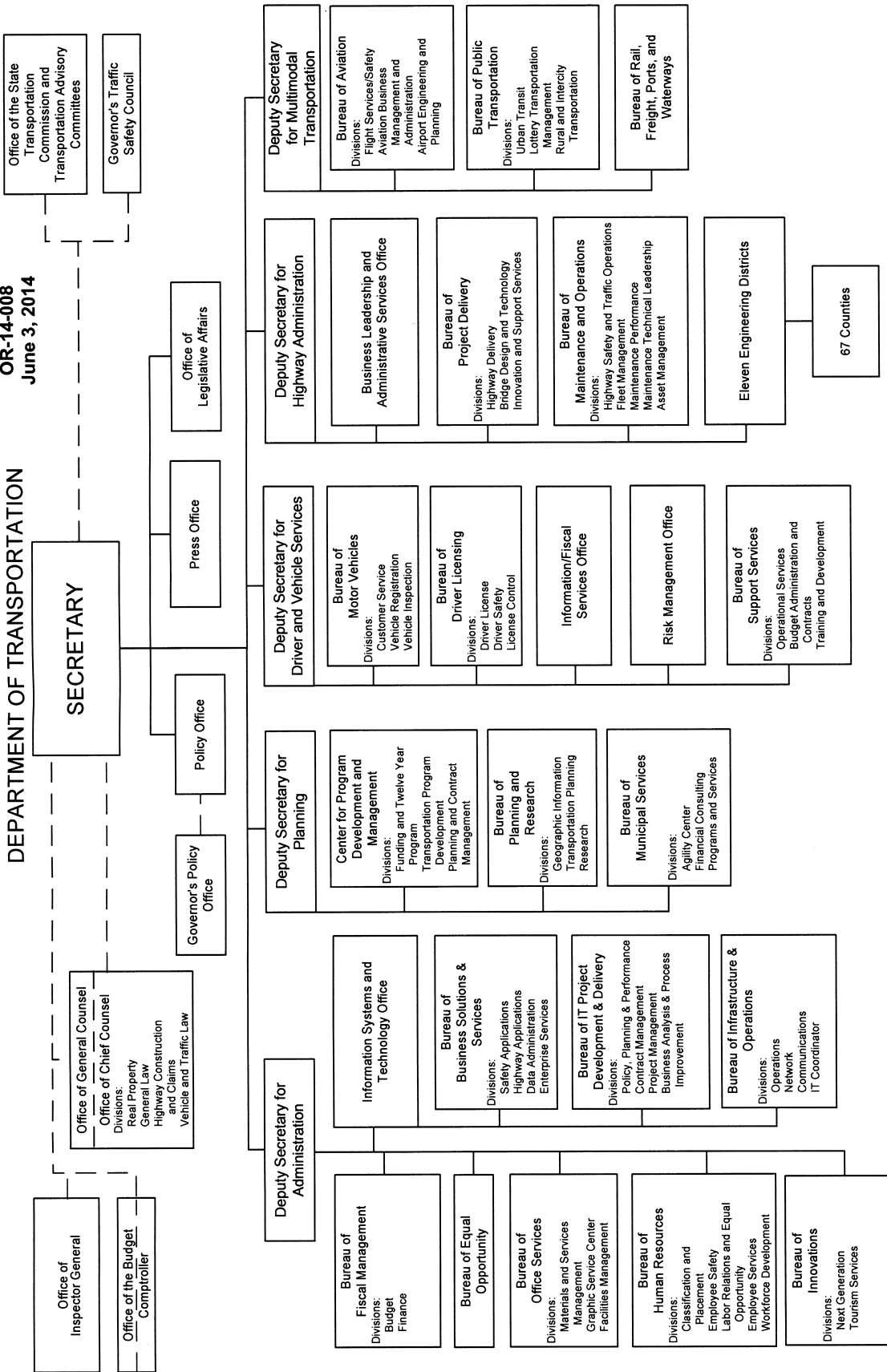
The organization chart at 44 Pa.B. 3573 (June 14, 2014) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(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. 14-1251. Filed for public inspection June 13, 2014, 9:00 a.m.]

OR-14-008
June 3, 2014

DEPARTMENT OF TRANSPORTATION



NOTICES

DEPARTMENT OF AGRICULTURE

Fertilizer Nutrient Values

The Secretary of Agriculture, under the authority of 3 Pa.C.S. § 6710 (relating to commercial value), establishes the commercial values per pound of nitrogen, available phosphate and soluble potash.

The values are established as follows:

Nitrogen	\$0.55 per pound
Available phosphate	\$0.49 per pound
Soluble potash	\$0.43 per pound

Further Information

Further information is available by contacting David Dressler, Agronomic Program Specialist, Bureau of Plant Industry, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5215.

Effective Date

These commercial values are effective beginning July 1, 2014, and shall remain effective until further notice.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 14-1252. Filed for public inspection June 13, 2014, 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 3, 2014.

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

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-28-2014	Northwest Savings Bank Warren Warren County	115 East 3rd Street Waterford Erie County	Authorization Surrendered
5-28-2014	Northwest Savings Bank Warren Warren County	Lot # R Butler Butler County	Authorization Surrendered
5-28-2014	Northwest Savings Bank Warren Warren County	3006 Pleasant Valley Boulevard Altoona Blair County	Authorization Surrendered
5-30-2014	First Resource Bank Exton Chester County	1 East Uwchlan Avenue Exton Chester County (Limited Service Facility)	Filed
6-2-2014	S&T Bank Indiana Indiana County	141 West Beaver Avenue State College Centre County	Approved
6-2-2014	The Scottdale Bank & Trust Co. Scottdale Westmoreland County	632 West Main Street Mount Pleasant Westmoreland County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-31-2013	Stonebridge Bank Exton Chester County	721 Skippack Pike Blue Bell Montgomery County	Closed

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-31-2014	White Rose Credit Union York York County	Effective

Merger of HD York Federal Credit Union, York, with and into White Rose Credit Union, York.

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. 14-1253. Filed for public inspection June 13, 2014, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of July 2014

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of July, 2014, is 5 1/2%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.02 to which was added 2.50 percentage points for a total of 5.52 that by law is rounded off to the nearest quarter at 5 1/2%.

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-1254. Filed for public inspection June 13, 2014, 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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970

<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>
PA0038296 (Storm Water)	Sunoco Partners Marketing & Terminals, L.P. Willow Grove Terminal 3290 Sunset Lane Hatboro, PA 19040	Montgomery County Upper Moreland Township	Unnamed Tributary to Pennypack Creek (3-J)	Y
PA0053074 (Sewage)	Valley Green Corporate Center STP 7111 Valley Green Road Fort Washington, PA 19034-2207	Montgomery County Whitemarsh Township	Sandy Run (3-F)	Y
PA0057789 (Sewage)	River Park STP River & Manor Roads Miquon, PA 19452	Montgomery County Whitemarsh Township	Schuylkill River via Manor Creek (3-F)	Y

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>
PA0063118 (Industrial Waste)	Tri-Cel Plastics 1149 Franklin Street Old Forge, PA 18518-1226	Lackawanna County Old Forge Borough	Saint John's Creek (5-A)	Y

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0217026, SIC Code 3443, **Cemline Corporation**, P.O. Box 55, Cheswick, PA 15024. Facility Name: Cemline Harmar Facility. This existing facility is located in Harmar Township, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of untreated hydrostatic pressure testing wastewater and storm water runoff.

The receiving stream, Allegheny River, is located in State Water Plan watershed 18-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 0.005 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</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 (Interim)	XXX	XXX	XXX	Report	XXX	Report
(Final)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7.0

The proposed effluent limits for Outfall 002 are based on a design flow of 0.01 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</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 (Interim)	XXX	XXX	XXX	Report	XXX	Report
(Final)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Phenol	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.01 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (Interim)	XXX	XXX	XXX	Report	XXX	Report
(Final)	XXX	XXX	XXX	0.5	XXX	1.6
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Dissolved Iron	XXX	XXX	XXX	Report	XXX	7.0
Total Iron	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 005 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 006 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids Report	XXX	XXX	XXX	XXX	XXX	

The proposed effluent limits for Outfall 007 are based on a design flow of 0.000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 008 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report

In addition, the permit contains the following major special conditions:

- TRC limit compliance schedule.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0004278, SIC Code 3315, **Lafarge North America, Inc.**, 11435 County Road 176, Paulding, OH 45879. Facility Name: Duquesne Slag. This existing facility is located in West Mifflin Borough, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater. The receiving stream, Thompson Run, is located in State Water Plan watershed 19-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 0.139 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</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 Suspended Solids	XXX	XXX	XXX	35	70	88
Total Aluminum	XXX	XXX	XXX	0.5	1.0	1.25
Total Iron	XXX	XXX	XXX	1.56	3.12	3.9
Total Manganese	XXX	XXX	XXX	2.0	4.0	5.0
Total Nickel	XXX	XXX	XXX	0.054	0.108	0.135

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0216291, SIC Code 4941, **Carmichaels Borough Municipal Authority Greene County**, 104 N Pine Street, Carmichaels, PA 15320-1240. Facility Name: Carmichaels Municipal Water Authority. This existing facility is located in Cumberland Township, **Greene County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated filter backwash water and sludge from settling tanks.

The receiving stream(s), Monongahela River, is located in State Water Plan watershed 19-B 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 0.0242 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</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	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	4.0	XXX	8.0
Total Iron	XXX	XXX	XXX	2.0	XXX	4.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0111279, SIC Code 4941, **Hooversville Borough Municipal Authority Somerset County**, PO Box 176, Hooversville, PA 15936-0176. Facility Name: Hooversville Borough Municipal Authority. This existing facility is located in Quemahoning Township, **Somerset County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated filter backwash and water treatment plant sedimentation sludge.

The receiving stream(s), Unnamed Tributary to Stonycreek River, is located in State Water Plan watershed 18-E 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 0.0036 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</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	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	1.5	XXX	3.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0036200, Sewage, SIC Code 6514, **Radley Run Mews Sewer Association**, P.O. Box 84, Pocopson, PA 19366-0084. Facility Name: Radley Run Mews STP. This existing facility is located in Queens Way, West Chester, PA 19382, in Birmingham Township, **Chester 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), Plum Run, is located in State Water Plan watershed 3-H 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 0.032 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Instant. Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Dissolved Oxygen	XXX	XXX	3	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.6	XXX	1.5
CBOD ₅	6.7	XXX	XXX	25	XXX	50
BOD ₅	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	8.0	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Total Nitrogen	8.0	XXX	XXX	30	XXX	60
Ammonia-Nitrogen	5.34	XXX	XXX	20	XXX	40
Total Phosphorus	0.53	XXX	XXX	2.0	XXX	4.0

In addition, the permit contains the following major special conditions:

Other Requirements

- A. No Stormwater to Sewer
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Public Sewer Become Available
- E. Chlorine Minimization
- F. Notification of Designation of Responsible Operator
- G. Remedial Measures if Public Nuisance
- H. Twice per Month Sampling
- I. Small Stream Discharge
- J. Laboratory Certification
- K. Responsible Operator

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.

PA0056502, Storm Water, SIC Code 9999, **JERC Partners XIII LC**, 171 State Route 173 Suite 201, Asbury, NJ 08802-1365. Facility Name: White Pines Partners Golf Course. This existing facility is located in Lower Moreland Township, **Montgomery 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), Unnamed Tributary to Huntingdon Valley Creek, is located in State Water Plan watershed 3-J 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 002 are based on a stormwater event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	Report
Oil and Grease	XXX	XXX	XXX	XXX	XXX	Report
Total PCBs (pg/L)	XXX	XXX	XXX	XXX	XXX	Report

In addition, the permit contains the following major special conditions:

- Obtain Necessary Property Rights
- Applicable BAT/BCT
- Small Stream discharge
- Requirements Applicable to Stormwater Outfalls
- PCB Monitoring

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.

PA0051926, SIC Code 4911, **Exelon Generation Co. LLC**, 3146 Sanatoga Road, Pottstown, PA 19464-3418. Facility Name: Exelon Generation LLC Limerick. This existing facility is located in Limerick Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of various industrial wastewaters from Limerick Generating Station.

The receiving stream(s), Possum Hollow Run, Schuylkill River, and Sanatoga Creek, is located in State Water Plan watershed 3-D and 3-E and is classified for Warm Water Fishes, Migratory Fishes, Warm Water Fishes, 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 based on a design flow of 14.19 MGD are as follows.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</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 Oxidants	XXX	XXX	XXX	XXX	0.2	0.5
Temperature (°F)	XXX	XXX	XXX	Report	Report	110
Specific Conductance	XXX	XXX	XXX	Report	Report	Report
Total Suspended Solids (Influent)*	XXX	XXX	XXX	Report	Report	Report
(Effluent Net)*	XXX	XXX	XXX	30	60	75
(Effluent)*	XXX	XXX	XXX	Report	Report	Report
Total Dissolved Solids (Year 1 and 2)	XXX	XXX	XXX	Report	Report	Report
Total, Aluminum	XXX	XXX	XXX	Report	Report	Report
Total, Iron	XXX	XXX	XXX	Report	Report	Report
Total, Copper	XXX	XXX	XXX	Report	Report	Report
Total, Lead	XXX	XXX	XXX	Report	Report	Report
Total, Zinc	XXX	XXX	XXX	Report	Report	Report
Total, Bis(2-Ethylehexyl) Phthalate	XXX	XXX	XXX	Report	Report	Report
Chronic Toxicity-Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Pimephales Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

* These limits applied during period of chemical additional.

The proposed effluent limits for Outfalls 002, 004, 022 and 024 are based storm water event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 003 and 005 are based on a maximum discharge flow of 1.1 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Oxidants	XXX	XXX	XXX	XXX	0.2	0.5
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Suspended Solids	XXX	XXX	XXX	Report	Report	Report

The proposed effluent limits for Outfalls 010 and 011 are based on intake screen backwash event are as follows: No monitoring required.

The proposed effluent limits for Outfalls 006, 007, 008 and 009 are based on storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 012 are based on a design flow of 0.01 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH	XXX	XXX	Report	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	100	XXX
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Dissolved Iron	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfalls 013, 014, 015, 016, 017, 018, and 019 are based storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 020 are based on a design flow of 1.5 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	100	XXX

The proposed effluent limits for Outfall 021 are based on a storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 030 are based on a storm event are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 201 are based on a design flow of 0.01 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 301 are based on a design flow of 0.001 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

The proposed effluent limits for Outfall 401 are based on a design flow of 0.05 MGD are as follows:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Inst. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	Report	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	Report	Report

In addition, the permit contains the following major special conditions:

- Remedial Measures if Create Public Nuisance
- Applicable BAT/BCT Standards

- Change in Ownership
- Proper Sludge Disposal
- Watershed TMDL/WLA analysis
- I-Max Definition
- Lab Accreditation Act
- PPC Plan Requirements
- TRO Definition
- Authorized non-storm water discharges through permitted outfalls
- In stream Temperature and flow Monitoring Requirements
- No raise tin-stream temperature by 2OF in any one-hour
- Compliance of US NRC and DRBC approval
- Calendar Week Definition
- pH Monitoring Requirements
- TSS limitations and Monitoring Requirements
- Approved Chemical Additives and procedure for future revision to additives approval
- Cooling Water Intake Structure Requirements
- TDS Monitoring Requirements
- Approved Chemical Usage Rates
- Whole Effluent Toxicity Testing Requirements
- Storm Water discharge Requirements.
- PCBs Monitoring 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 not in effect.

PA0052663, Sewage, SIC Code 4952, **Knight's Bridge Corporation**, 112 Chesley Drive, Media, PA 19063. Facility Name: Knight's Bridge STP. This existing facility is located at 2 Brandywine Drive, Chadds Ford, PA, in Chadds Ford Township, **Delaware 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 Harvey Run, is located in State Water Plan watershed 3-H 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 0.09 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX
Total Residual Chlorine	XXX	XXX	0.6	XXX	1.5
CBOD ₅					
May 1 - Oct 31	7.5	XXX	XXX	10	XXX
Nov 1 - Apr 30	15	XXX	XXX	20	XXX
BOD ₅	Report	XXX	XXX	Report	XXX
Total Suspended Solids	Report	XXX	XXX	Report	XXX
Total Suspended Solids	7.5	XXX	XXX	10	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX
Nitrate-Nitrite as N	7.5	XXX	XXX	10	XXX
Total Nitrogen	15.0	XXX	XXX	10.0	XXX
Ammonia-Nitrogen					
May 1 - Oct 31	0.8	XXX	XXX	1.0	XXX
Nov 1 - Apr 30	2.3	XXX	XXX	3.0	XXX
Total Phosphorus	1.5	XXX	XXX	2.0	XXX

In addition, the permit contains the following major special conditions:

Proposed Part C Conditions:

Other Requirements

- A. No Stormwater to Sewer
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Public Sewer Become Available
- E. Chlorine Minimization
- F. Small Stream Discharge
- G. Notification of Designation of Responsible Operator
- H. Remedial Measures if Public Nuisance
- I. Twice per Month Sampling
- J. Laboratory Certification
- K. Responsible Operator

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.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0065561, Storm Water, SIC Code 3494, **Acme Cryogenics Inc.**, 2801 Mitchell Avenue, Allentown, PA 18105. Facility Name: Acme Cryogenics. This facility is located in Allentown City, **Lehigh County**.

Description of Proposed Activity: The application is for a newNPDES permit for an existingdischarge of Storm Water.

The receiving stream(s), Unnamed Tributary to Trout Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes and, 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 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

- The previous non-exposure permit will be rescinded.

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

PA0045985, Sewage, SIC Code 4952, **Mountaintop Area Joint Sanitary Authority Luzerne County**, 290 Morio Drive, Mountain Top, PA 18707. Facility Name: Mountaintop Area Joint Sanitary Authority STP. This existing facility is located in Dorrance Township, **Luzerne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existingdischarge of treated Sewage and stormwater associated with industrial activities.

The receiving stream(s), Big Wapwallopen Creek and Unnamed Tributary to Big Wapwallopen Creek, is located in State Water Plan watershed 5-B and is classified for Cold 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 4.16 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
CBOD ₅		Daily Max				

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
(Interim)	857	1,387	XXX	25.0	40.0	50.0
(Final)	346	520	XXX	10.0	Wkly Avg 15.0	20.0
BOD ₅					Wkly Avg	
Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	XXX	XXX	XXX	Report	XXX	XXX
(Interim)	1,040	1,561	XXX	30.0	45.0	60.0
(Final)	346	520	XXX	10.0	Wkly Avg 15.0	20.0
Fecal Coliform (CFU/100 ml)					Wkly Avg	
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Total Mo					
Effluent Net	Report	75,981	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	Total Annual				
	Report	Report	XXX	Report	XXX	XXX
	Total Mo	Total Annual				
Ammonia-Nitrogen						
May 1 - Oct 31	87	Report	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	260	Total Annual	XXX	7.5	XXX	15.0
Total Kjeldahl Nitrogen	Report	Total Annual	XXX	Report	XXX	XXX
	Total Mo	XXX				
Total Phosphorus						
Effluent Net	Report	10,131	XXX	Report	XXX	XXX
Total Phosphorus	Total Mo	Total Annual				
	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Cadmium	0.02	XXX	XXX	0.00066	0.0010	XXX
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	7.14	XXX	XXX	0.206	0.321	XXX
Total Organic Carbon	Report	XXX	XXX	XXX	Report	XXX
Chronic Toxicity						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	1.3	XXX
Ceriodaphnia Reproduction (TUc)	XXX	XXX	XXX	XXX	1.3	XXX

The proposed effluent limits for Outfall 002 & 003 are based on a design flow of 0.000000MGD (stormwater only).

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
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

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Conditions; Schedule of Compliance; Whole Effluent Toxicity (WET) Conditions: Stormwater Conditions; Standard Sewage Conditions (stormwater prohibition, necessary property rights, residuals management), Emergency disinfection via chlorine, dry stream condition, changes in works/streams condition.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0246689, SIC Code 6514, **Rande W. Brown**, 153 Hidden Valley Lane, Bedford, PA 15522-5365. Facility Name: Brown Residence SRSTP. This proposed facility is located in Cumberland Valley Township, **Bedford County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Oster Run, is located in State Water Plan watershed 13-A and is classified for High Quality Waters—Cold Water Fishes and 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	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	Report XXX	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	From 6.0 to 9.0 inclusive	XXX	XXX
CBOD ₅	XXX	XXX	XXX	Report	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

PA0272680, Industrial Waste, SIC Code 1389 (Oil & Gas Field Services), **Dannic Energy Corp**, 134 Mill Run Road, Indiana, PA 15701. Facility Name: Dannic Energy WWTP. This proposed facility is located in Sugarcreek Borough, **Venango County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated stripper well wastewater.

The receiving stream, Twomile Run, is located in State Water Plan watershed 16-E 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 0.00546 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	5,000	10,000	XXX	109,800	219,600	XXX
	Annl Avg					
Osmotic Pressure (mOs/kg)	XXX	XXX	XXX	10,989	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30
Acidity, Total (as CaCO ₃)	XXX	XXX	XXX	Less than	XXX	XXX
				Alkalinity		
Alkalinity, Total (as CaCO ₃)	XXX	XXX	XXX	Report	XXX	XXX
Total Cadmium	0.005	0.007	XXX	0.1	0.16	0.25
Total Iron	XXX	XXX	XXX	3.5	XXX	7
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX
Radium 226/228, Total (pCi/L)	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Electronic Discharge Monitoring Reporting requirement
- Total Dissolved Solids Annual Average reporting
- Stripper Well Definition
- Limit on the rate of discharge

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 not in effect.

PA0036994 A-1, Sewage, SIC Code 4952, **Pleasantville Borough**, 114 West State Street, Pleasantville, PA 16341-9741. Facility Name: Pleasantville Borough STP. This existing facility is located in Pleasantville Borough, **Venango County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage. The amendment will add effluent limits for TRC to the permit.

The receiving stream(s), West Branch Pithole Creek, is located in State Water Plan watershed 16-E 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 0.4 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	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.17	XXX	0.54
CBOD ₅	33	50	XXX	10	15	20
Total Suspended Solids	33	50	XXX	10	15	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	12	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	6.5	XXX	XXX	2	XXX	4
Nov 1 - Apr 30	20	XXX	XXX	6	XXX	12
Total Phosphorus	1.5	XXX	XXX	Report	XXX	XXX

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.

PA0239186, Sewage, SIC Code 4225, 4952, 6512, **Field Tested Tech LLC**, 1498 Evans City Road, Evans City, PA 16033. Facility Name: Field Tested Tech. This proposed facility is located in Forward Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream is an unnamed tributary to Connoquenessing Creek, located in State Water Plan watershed 20-C and 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 0.0005 MGD.

Parameters	Average Monthly	Minimum	Average Monthly	Instant. Maximum
Flow (MGD)	Report	XXX	XXX	XXX
pH (S.U.)	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	1.4	3.3
CBOD ₅	XXX	XXX	25	50
Total Suspended Solids	XXX	XXX	30	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	200 Geo Mean	1,000
Ammonia-Nitrogen				
May 1 - Oct 31	XXX	XXX	6.5	13
Nov 1 - Apr 30	XXX	XXX	19.5	39

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900

WQM Permit No. 0914401, Sewage, **Borough of Quakertown**, 35 North Third Street, Quakertown, PA 18951-1376.

This proposed facility is located in Quakertown Borough, **Bucks County**.

Description of Action/Activity: Approval for replacement of the interceptors along the Beaver Run and Licking Run streams.

WQM Permit No. 4614402, Sewage, **Worcester Township**, 1721 Valley Forge Road, P.O. Box 767, Worcester, PA 19490-0767.

This proposed facility is located in Worcester Township, **Montgomery County**.

Description of Action/Activity: Construction of a low pressure sewer system.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0714201, CAFO, **Penn England, LLC**, 10341 Fox Run Road, Williamsburg, PA 16693.

This proposed facility is located in Woodbury Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction of HDPE-lined manure storage lagoon to replace existing earthen storage at the Clover Ridge Dairy Farm.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 2514402, Sewage, **Shelly Downes**, 14200 Route 19, Waterford, PA 16441.

This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to repair a malfunctioning on-lot system.

IV. NPDES Applications for Stormwater Discharges from MS4

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

PAI132241, MS4, **Vandling Borough Lackawanna County**, 855 Main Street, Vandling, PA 18421-1021. 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 Vandling Borough, **Lackawanna County**. The receiving streams, two Unnamed Tributaries to Lackawanna River, are located in State Water Plan watershed 5-A and are classified for Cold Water Fishes and Migratory 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 570-826-5472.

The EPA waiver is not in effect.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth, PA 18064-9211

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814005	Lehigh Valley Industrial Park, Inc. c/o Kerry A. Wrobel 1720 Spillman Drive, Suite 150 Bethlehem, PA 18015-2164	Northampton	City of Bethlehem & Lower Saucon Township	Saucon Creek (CWF, MF) Saucon Creek (HQ-CWF, MF); East Branch Saucon Creek (CWF, MF); Lehigh River (WWF, MF)
PAI024814006	Wagner Enterprises Ltd. P. O. Box 3154 Easton, PA 18045	Northampton	City of Bethlehem	Saucon Creek (HQ-CWF, MF)
PAI024812017(1)	Meadows at Lehigh Valley LP c/o Larken Associates 390 Amwell Road Hillsborough, NJ 08844	Northampton	City of Bethlehem	Monocacy Creek (HQ-CWF, MF); Nancy Run (CWF, MF)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI050209003R	Brooks & Blair Waterfront Properties, LP	Allegheny	Oakmont Borough and Penn Hills Borough	Allegheny River (WWF-N)
PAI050414001	South Side School District	Beaver	Greene Township	Service Creek (HQ-CWF)

**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.

**APPLICATIONS
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>
Todd Chestnut 910 Bridgewater Road Newville, PA 17241	Cumberland	777.2	1063.31	Beef Cows Steers Broilers Goats Finish Swine	NA	New
Steven R. Hershey 2024 Donegal Springs Road Mount Joy, PA 17552	Lancaster	192.6	524.13	Pullet/Steer/ Swine	HQ	R

**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

Southeast Region: Safe Drinking Water Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. WA-51-165C	Public Water Supply
Applicant	City of Philadelphia Water Department
City	Philadelphia
Township	City Philadelphia

Responsible Official Chris Crockett
City of Philadelphia Water
Department
1101 Market Street
Philadelphia, PA 19107
PWS

Consulting Engineer City of Philadelphia Water
Department
1101 Market Street
Philadelphia, PA 19107

Application Received Date 04/25/2014

Description of Action Renewal of water allocation
permit for the right withdraw
681 MGD total from Schuylkill
and Delaware Rivers.

Permit No. 1514506 Public Water Supply

Applicant **North Coventry Water
Authority**
P. O. Box 394
Pottstown, PA 19464

City Chester

Township North Coventry

Responsible Official Dennis B. Hullman
P. O. Box 394
Pottstown, PA

Type of Facility PWS

Consulting Engineer SSM Group, Inc.
1047 North Park Road
P. O. Box 6307
Reading, PA 19610-0307

Application Received Date 03/31/2014

Description of Action Replacement of booster pumps at
the River Road Booster Pump
Station.

*Northcentral Region: Safe Drinking Water Program
Manager, 208 West Third Street, Suite 101, Williamsport,
PA 17701-6448*

Application No. 4914501—Construction Public Water
Supply.

Applicant **Cherokee Pharmaceuticals,
LLC**

[Township or Borough] Riverside Borough

County **Northumberland**

Responsible Official Brian Killen, Plant Manager
Cherokee Pharmaceuticals, LLC
100 Avenue C
Riverside, PA 17868

Type of Facility Public Water Supply

Consulting Engineer Deborah M. Watkins, P.E.
O'Brien & Gere Engineers, Inc.
333 West Washington Street
Syracuse, NY 13221

Application Received June 3, 2014

Description of Action Installation of river water
inflow meters,
replacement of 3 second stage
river water pumps and
installation of carbon dioxide
system for pH adjustment.

*Northwest Region: Safe Drinking Water Program Man-
ager, 230 Chestnut Street, Meadville, PA 16335-3481*

Permit No. 4214502, Public Water Supply

Applicant **Pennsylvania American
Water Co.**

Township or Borough Wetmore Township

County **McKean**

Responsible Official David R. Kaufman

Type of Facility Public Water Supply

Consulting Engineer Jed A. Fiscus, P.E.
Pennsylvania American Water
Co.
425 Waterworks Road
Clarion, PA 16214

Application Received Date May 15, 2014

Description of Action Construction of a new 255,000
nominal capacity clearwell at the
Kane Water Treatment Plant.

*Southwest Region: Water Supply Management Program
Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-
4745*

Application No. 0214532MA, Minor Amendment.

Applicant **Borough of Sharpsburg**
1611 Main Street
Pittsburgh, PA 15215

[Township or Borough] Sharpsburg Borough

Responsible Official Richard Aluise, Operator
Borough of Sharpsburg
1611 Main Street
Pittsburgh, PA 15215

Type of Facility Water system

Consulting Engineer Glenn Engineering and
Associates, Limited
14920 Route 30
North Huntingdon, PA 15642

Application Received Date May 30, 2014

Description of Action Cleaning and re-coating of the
finished water clear well.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

**Acknowledgment of Notices of Intent to Remediate
Submitted under the Land Recycling and Envi-
ronmental Remediation Standards Act (35 P. S.
§§ 6026.101—6026.907)**

Sections 302—305 of the Land Recycling and Environ-
mental 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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Proposed CVS Store No. 10288, 717 East Main Street, Palmyra, PA 17078, Palmyra Borough, **Lebanon County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, York, PA 17406, on behalf of JC Bar Development, LLC, 415 Fallowfield Road, Camp Hill, PA 17011, submitted a Notice of Intent to Remediate site soils contaminated with leaded gasoline. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is commercial retail. The Notice of Intent to Remediate was published in the *Lebanon Daily News* on April 11, 2014.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Siggins Lease, 0.54 mile on lease road north of Eagan Lane. Lease road is 0.28 mile northeast of Jamison Run Road on north side of Eagan Lane, Harmony Township, **Forest County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Eagle Line Corporation, 16899 Jerusalem Corners Road, Pleasantville, PA 16341-1705 and The John R. Cubbon 2003 Trust, 9507 Puffin Circle, Eagle River, AK 99577, submitted a Notice of Intent to Remediate. A discharge of brine and other production fluids occurred at the site, impacting soils. It is unknown if groundwater has been impacted at this time. The proposed remediation standard is a combination of the Statewide Health and Background Standards. Intended future use of the property will be residential. The Notice of Intent to Remediate was published in *The Titusville Herald* on April 5, 2014.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Renewal Applications Received

Orchard Hill Memorial Park, Inc., 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Received on February 18, 2014.

Environmental Products & Services of Vermont, Inc., 532 State Fair Blvd, Syracuse, NY 13204. License No. PA-HC 0238. Received on March 10, 2014.

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC 0219. Received on March 10, 2014.

Med-Flex, Inc., P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC 0207. Received on April 10, 2014.

Med Waste Management LLC, 1860 52nd Street, Suite 1E, Brooklyn, NY 11204. License No. PA-HC 0242. Received on December 10, 2013.

Advant-Edge Solutions of Middle Atlantic, Inc., 1 Shea Way, Newark, DE 19713. License No. PA-HC 0220. Received on May 5, 2014.

Accu Medical Waste Service, Inc., P. O. Box 797, Marietta, OH 45750. License No. PA-HC 0252. Received on May 27, 2014.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act; 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 No. WMGR003. Pennsylvania Precision Cast Parts, Inc., P. O. Box 1429, Lebanon, PA 17042, Lebanon County. This general permit renewal application is for the beneficial use as a construction material of spent fired, ceramic wastes generated from the lost wax casting process by a ferrous metal foundry. The application was determined to be administratively complete by Central Office on May 22, 2014.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use 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 ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR003" 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.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received 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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

General Permit Application No. WMGR138SC001. J&K Salvage, 1099 Kings Mill Road, York, PA 17403

The Southcentral Regional Office, Waste Management Program received determination of applicability (DOA) under Residual Waste General Permit No. WMGR138 for J&K Salvage, 1099 Kings Mill Road, York PA 17403 in Spring Garden Township, **York County**. This general permit is for:

- a. Processing of yard waste for beneficial use as finished mulch for landscaping purposes.
- b. Processing of land clearing and grubbing waste for beneficial use as compost for landscaping purposes.
- c. Processing by crushing, grinding, and screening concrete and asphalt waste for beneficial use as a construction material in roadway and parking area construction.
- d. Processing, including sorting and screening only, for recycling of residential construction and demolition waste including clean wood, gypsum board, stone, brick, concrete block, cardboard, particle board, drywall, scrap metal, plastic waste and glass.

e. Processing of pre-consumer (i.e., imperfections, tabs, trimming scraps, etc. generated in the manufacturing of new asphalt shingles and damaged, unused shingles) and post-consumer (tear-offs) asphalt shingles for beneficial use when added to materials in Condition A (c) above.

The processing is limited to sorting, screening, grinding and magnetic removal of ferrous metal. The DOA was received on May 21, 2014.

Persons interested in obtaining more information about this determination of applicability may contact John

Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—
Telephone: 814-332-6636

25-987F: Hanes Erie, Inc. (7601 Klier Drive, Fairview, PA 16415) for installation of a paint booth at their facility in Fairview Township, **Erie 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

40-00002A: Transcontinental Gas Pipe Line Co., LLC (2800 Post Oak Blvd. Houston, TX 77056) for construction and operation of a Solar MARS Turbine, Model 100-16000S SoLoNO_x at their facility in Buck Township, **Luzerne County**. The source's main emission is NO_x and CO. The source is subject to MACK 40 CFR Part 63, Subpart YYYY and NSPS 40 CFR Part 60, Subpart KKKK. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the operations within all applicable air quality requirements.

39-00011A: Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for conversion of their No. 2 raw mill baghouse from reverse air to pulse jet at their Whitehall Plant in Whitehall Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) intends to issue a Plan Approval to Lafarge North America, Inc. (5160 Main Street, Whitehall, PA 18052) for conversion of their No. 2 raw mill baghouse from a reverse air to a pulse jet cleaning mechanism at their Whitehall Plant in Whitehall Township, Lehigh County. The facility currently operates under Title V Operating Permit No. 39-00011. Plan approval 39-00011A will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 39-00011A is for conversion of their No. 2 raw mill baghouse from a reverse air to a pulse jet cleaning mechanism. The company shall be subject to and comply with 25 Pa. Code § 123.13(b) for control of Particulate Matter (PM) emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions 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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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 the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00011A 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 Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

54-00022B: Sapa Extrusions, Inc. (53 Pottsville Street, Cressona, PA 17929) to electively apply for federally enforceable synthetic minor emission limits and to install oxy-fuel burners on melting furnace M5 at their facility in Cressona Borough, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue a plan approval to Sapa Extrusions Inc to electively apply for federally enforceable synthetic minor emission limits and to install oxy-fuel burners on melting furnace M5 at their facility located in Cressona Borough, Schuylkill County. The facility currently has a Title V Operating Permit No. 54-00022. Plan approval 54-00022B will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 54-00022B seeks new federally enforceable synthetic minor emission limits and install oxy-fuel burners on M5. Total facility emissions shall not exceed the following limits during any consecutive a 12-month rolling period in tons per year: NO_x 99.9, CO 99.9, VOC 49.9, PM₁₀/PM_{2.5} 99.9, CO_{2e} 100,000 and SO₂ 99.9 NO_x emissions will increase by 2.01 TPY with the burner upgrade. The M5 melting furnace is subject to 40 CFR Part 63 Subpart RRR requirements. SAPA Extrusion is a major facility for HAPs emissions and is subject to Title V permitting requirements and is located in Cressona Borough, Schuylkill County. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the equipment operating within all applicable air quality requirements. Further details on the conditions and the reasons for their inclusion are available upon request.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator, identification of the proposed Permit No. 54-00022B 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 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

tion is sufficient. Written comments or requests for a public hearing should be directed to Mr. Raymond Kempa, Chief, New Source Review Section, 2 Public Square, Wilkes-Barre, PA 18711, or 570-826-2511.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager - Telephone: 570-327-3648

55-00001G: Sunbury Generation, LP (Old Trail Road, PO Box 517, Shamokin Dam, PA 17876) to revise certain terms and conditions of Plan Approval 55-00001E. On April 1, 2013, the Department issued Plan Approval 55-00001E for construction of three natural gas fired combined cycle turbines, a natural gas fired auxiliary boiler and a small natural gas fired heater at the Sunbury Generation facility, located in Shamokin Dam Borough, **Snyder County**. Subsequent to the issuance of 55-00001E, Sunbury Generation decided to submit a proposed revision of the terms and conditions of the plan approval pertaining to the minor changes of startup and shutdown scenarios for the turbines.

The Department's review of the information submitted by Sunbury Generation, LP indicates that the proposed terms and conditions of the plan approval for the proposed sources and the associated control devices at the Sunbury facility will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Department's BAT requirements of 25 Pa. Code §§ 127.1 and 127.12. Additionally, the Department revised the monitoring, recordkeeping and reporting requirements in order to assure compliance with all applicable regulatory requirements. The existing BAT requirements with respect to the turbines, boilers and heaters established in Plan Approval 55-00001E remain in effect and are unchanged as a result of the proposed modification. Moreover, the revised terms and conditions of the proposed plan approval do not allow any changes to the project emissions or an emissions increase.

Based on these findings, the Department intends to approve the application and issue a plan approval for the proposed revision to Plan Approval 55-00001E. The facility is a major (Title V) facility. Additionally, the conditions established in the plan approval will be incorporated into Title V Operating Permit 55-00001 by means of an administrative amendment pursuant to 25 Pa. Code § 127.450, if the Department determines that the sources are operating in compliance with all terms and conditions of the plan approvals.

The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued in order to ensure that the proposed revisions will be in compliance with all applicable air quality regulatory requirements:

1. Pursuant to 25 Pa. Code § 127.12b, (a) the permittee shall keep accurate and comprehensive records of the following to demonstrate compliance with the requirement for the sources to utilize pipeline quality natural gas as their fuel:

The gas quality characteristics in a current, valid purchase contract, tariff sheet, transportation contract for the fuel other data compiled by the gas pipeline company, specifying the maximum total sulfur content of the fuel and verifying that the fuel is pipeline quality natural gas.

OR

Representative fuel sampling data showing the sulfur content of the fuel and verifying that the fuel is pipeline quality natural gas.

(a) The records of the fuel sampling performed shall include the following:

(i) The date, place, and time of sampling;

(ii) The date(s) analyses were performed;

(iii) The company or entity that performed the analyses;

(iv) The analytical techniques or methods used;

(v) The results of such analyses; and,

(vi) The operating conditions at the time of sampling or measurement.

(b) All information to satisfy this recordkeeping requirement shall be kept for a minimum of five (5) years and shall be made available to the Department upon request.

This condition supersedes Condition #008 of Section C in plan approval 55-00001E

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the three combined cycle gas turbines shall be constructed and operated from the options identified in this plan approval. The three combined cycle gas turbines chosen by the permittee shall be either the three Siemens model 5000F 4 combined-cycle gas turbines (or equivalent as determined by the Department), the three Siemens model 5000F5 combined-cycle gas turbines (or equivalent as determined by the Department), or the three General Electric model 7FA.05 combined-cycle gas turbines (or equivalent as determined by the Department). Additionally, the permittee shall provide the Department, within 30 days prior to selection, the information related to selection of the vendor and model for the turbines, selective catalytic reduction units and oxidation catalyst for Department approval. This condition supersedes Condition #013 of Section C in plan approval 55-00001E

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the maximum annual heat input to Source ID 070 shall not exceed 424,000 MMBTU in any 12 consecutive month period. This condition supersedes Condition #007 of Source ID 070 in plan approval 55-00001E.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the durations of startups and shutdowns shall be minimized to the extent practicable. Startup and shutdowns shall be defined as follows:

a. Cold start is identified as a restart occurring 72 hours or more after shutdown and shall not exceed 90 minutes in duration.

b. Warm start is identified as a restart occurring between 12 hours to 72 hours after shutdown and shall not exceed 75 minutes in duration.

c. Hot start is identified as a restart occurring less than 12 hours after shutdown and shall not exceed 66 minutes duration.

d. Shut down is the period of time during the reduction in load of the CT for the purposes of shutting down the source and shall not exceed 60 minutes duration.

e. This condition supersedes Condition #017 of Source IDs P181, P182 and P183 in plan approval 55-00001E.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550. Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed plan approval (Plan Approval 55-00001G); Concise statements regarding the relevancy of the information or 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 based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00634: Dominion Transmission, Inc. (5000 Dominion Boulevard—2NW, Glenn Allen, VA 23060) for pipeline transportation of natural gas at their J.B. Tonkin Station in Murrysville, **Westmoreland County**. This is a Title V Operating Permit renewal application submittal.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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, Regional Air Quality Manager, Telephone: 717-705-4702.

22-05033: Hempt Bros., Inc. (205 Creek Road, Camp Hill, PA 17011-7418) for operation of their Steelton Batch Asphalt Plant in Steelton Borough, **Dauphin County**. This is a renewal of their State-Only Operating Permit issued in 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions around 0.65 tpy PM₁₀, 9.61 tpy of CO, 0.60 tpy NO_x, 0.11 tpy SO_x, 0.20 tpy VOC, & 0.18 of 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 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities & 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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 following; 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.

Thomas Hanlon, Facilities Permitting Chief, 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 or protests.

36-05159: Covance Research Products, Inc. (310 Swamp Bridge Road, Denver, PA 17517) for their animal research facility in West Cocalico Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility had actual emissions from April 2013 through March 2014 of 1.2 tpy of CO, 2.6 tpy of NO_x, 0.2 tpy of SO_x and 0.2 tpy of VOCs. 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 and 40 CFR Part 60 Subpart IIII—Standards of Performance for Stationary Compression Ignition 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 plan approval, 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 following; 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.

Thomas Hanlon, Facilities Permitting Chief, 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 or protests.

36-03054: Esbenshades Greenhouses, Inc. (546 E. 28th Division Highway, Lititz, PA 17543-9766) for their greenhouse operation in Elizabeth Township, **Lancaster 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 above-mentioned facility.

Actual CO, NO_x, PM₁₀, SO_x and VOC emission estimates from the entire facility are 39.6, 33.8, 38.1, 4.3 and 2.9 tons per year (tpy), respectively.

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.

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 following; 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.

Thomas Hanlon, Facilities Permitting Chief, 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 or protests, or requests for a public hearing.

38-03033: East Indies Coffee & Tea Co. (7 Keystone Drive, Lebanon, PA 17402) for operation of a coffee bean roasting process in South Lebanon Township, **Lebanon County**. This is a renewal of the State-Only Operating Permit issued in 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has annual emissions of approximately 0.1 ton of VOCs and 0.01 ton of PM. 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 operating permit includes requirements from 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants (NESHAPs) 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 or protests.

Thomas Hanlon, Facilities Permitting Chief, 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 or protests.

36-03019: Flury Foundry Co. (1160 Elizabeth Avenue, Lancaster, PA 17402) for operation of a copper foundry in Manheim Township, **Lancaster County**. This is a renewal of the State-Only Operating Permit issued in 2009.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has annual emissions of approximately 54.5 tons of PM10 and 4.70 tons of VOCs. 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 foundry is subject to the area MACT requirements of 40 CFR Part 63, Subpart ZZZZZZ, National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries.

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 or protests.

Thomas Hanlon, Facilities Permitting Chief, 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 or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

59-00025: EQT Gathering, LLC (625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114) to issue a renewal of an Air Quality Operating Permit for their Tioga Compressor Station in Duncan Township, **Tioga County**. The facility is currently operating under Plan Approval 59-00025A. The facility's sources include two (2) natural gas-fired compressor engines, one (1) natural gas-fired emergency generator, one (1) dehydrator and eight (8) storage tanks. 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 has the following potential emissions: 10.77 TPY of carbon monoxide; 24.13 TPY of nitrogen oxides; 0.10 TPY of sulfur oxides; 1.62 TPY of particulate matter; 21.16 TPY of volatile organic compounds; 5.19 TPY of volatile hazardous air pollutants and 26,636 TPY of greenhouse gases. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart JJJJ Sections 60.4230 through 60.4248, Standards of Performance for Crude Oil and/or Natural Gas Production, Transmission or Distribution Facilities, 40 CFR Part 60 Subpart OOOO, Sections 60.5360 through 60.5430 as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ Sections 63.6580 through 63.6675. 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.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this operating permit, may submit the infor-

mation to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed operating permit (specify State Only Operating Permit No. 59-00025); Concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to David Shimmel, P.E., Chief, New Source Review Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3568.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

20-00094: Ainsworth Pet Nutrition, Inc. (18746 Mill Street, Meadville, PA 16335) to renew a State Only Operating Permit for their facility in Vernon Township, **Crawford County**. The facility is a Natural Minor. The primary sources at the facility include 2 natural gas fueled boilers rated at 12.5 million Btu/hr and 20.9 million Btu/hr; 2 natural gas fuel space heaters rated less than 2.5 million Btu/hr each; a 200,000 Btu/hr waste oil fueled space heater; 2 natural gas fueled drying ovens, and pet food conveying, milling, and transfer operations. The potential emissions from the facility are below the Title V thresholds. The facility is subject to 40 CFR Part 60 Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

24-00111: Elk Regional Health Center (763 Johnsonburg Road, Saint Marys, PA 15857-3417) for renewal of the facility's State Only Operating Permit for their Saint Marys Health Center in the City of Saint Marys, **Elk County**. The facility is a Natural Minor. The primary sources at the facility include a wood fired biomass boiler (18.5 mmbtu/hr), two dual fired (gas/oil) backup boilers rated approximately 8 mmbtu/hr each, and two emergency generators. The Biomass Boiler is subject to 40 CFR Part 63, Subpart JJJJJJ. All applicable conditions of Subpart 6J have included in the source level of the permit. The potential emissions as stated in the facility renewal permit application are: PM₁₀—19.4 Tons per year (TPY); CO—48.62 TPY; NO_x—28.77 TPY; SO_x—2.03 TPY; and, VOC—1.38 TPY.

25-00995: Essentra Components (3123 Station Road, Erie, PA 16510) to renew a State Only Operating Permit for their facility in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include a 3 million Btu/hr natural gas fueled heating furnace, 3 plastisol dip lines, and a parts washer. The potential emissions from the facility are NO_x, 1.4 tpy; CO, 1.12 tpy; VOCs, 9.54 tpy; HAP's, 0.009 tpy; PM less than 1 tpy; SO_x less than 1 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

62-00093: Torpedo Specialty Wire, Inc. (7065 Route 27 Pittsfield, PA 16340-9802) to issue a renewal of the State Only Operating Permit for the wire plating facility located in Pittsfield Township, **Warren County**. The facility is a Natural Minor. The primary sources at the facility include eight nickel plating lines and a VOC parts cleaning station. The facility is subject to the Area Source MACT for Plating and Polishing Operations in 40 CFR 63 Subpart WWWW.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S14-007: Kirkbride Center, (111 North 49th Street, Philadelphia, PA 19139) to issue a Minor State Permit for operation of a psychiatric hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes three 16.7 MMBTU/hr boilers, three emergency generators, and one emergency sprinkler pump.

The operating permit will be reissued 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.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. 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

40-00059A: Reilly Finishing Technologies (130 Alden Road, Nanticoke, PA 18634) to issue a Plan Approval for their facility in Nanticoke Borough, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Reilly Finishing Technologies(130 Alden Road, Nanticoke, PA 18634)for their facility located in Nanticoke Borough, Luzerne County. This Plan Approval No. 40-00059A will be incorporated into a State Only Operating Permit through an administrative amendment at a later date.

Plan Approval No. 40-00059A is for the installation and operation of two (2) anodizing tanks with a slotted back draft ventilation system at the facility. This facility is a Non-Title V facility. The company has applied to install above mentioned tanks containing sulfuric acid. Sulfuric acid mists generated during operations will be controlled by a packed bed scrubber capable of removing 99% of sulfuric acid mist before discharging into atmosphere. Estimated sulfuric acid emissions will be less than 0.15 ton/year from these two tanks. The use of wet packed bed scrubber capable of removing 99 % of emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions 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, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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 the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00059A 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 Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

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

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63080104 and NPDES Permit No. PA0251551. Oxford Mining Co., LLC (544 Chestnut Street, P. O. Box 427, Coshocton, OH 43812). NPDES renewal application for reclamation only to an existing bituminous surface mine, located in Jefferson Township, **Washington County**, affecting 187.9 acres. Receiving streams: unnamed tributaries to Scott Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 27, 2014.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 8074SM3C and NPDES Permit No. PA0118443. Harleysville Materials, LLC, (PO Box 587, Berlin, NJ 08009), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Salford Township, **Montgomery County** affecting 43.4 acres, receiving stream: East Branch of Perkiomen Creek, classified for the following uses: trout stock fishes and migratory fishes. Application received: May 21, 2014.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
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

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

NPDES Permit No. PA0225363 on Surface Mining Permit No. 58132506. Edward M. Cox, Jr., (21838 SR 29, Montrose, PA 18801), new NPDES Permit for a Bluestone General Permit in Harmony Township, **Susquehanna County**, affecting 13.0 acres. Receiving

stream: East and North Branches of Hemlock Creek/Susquehanna River Drainage Basin, classified for the following use: EV—cold water & migratory fishes. Application received: April 26, 2013.

Non-discharge BMP's shall be in effect.

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

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

E02-1698. Max Marina, Inc., dba South Side Marina, 316 Leech Avenue, Saltsburg, PA 15681; City of Pittsburgh, **Allegheny County**; ACOE Pittsburgh District.

Applicant is proposing to construct and maintain a marina that will occupy an approximately 10.2 acre area of the Monongahela River (WWF, N), consisting of a main dock run that will parallel approx. 1,490 lf of shoreline, from which 10 dock spurs and a deflector dock will extend riverward. These floating docks will accommodate 346 boat slips, and will be attached to seventy-two (72) piles, which will be driven into the river. Portions of a gangway

ramp, utilities, switchback ramp, stair case and future elevator will permanently impact approximately 0.04 acre of floodway. In addition, approximately 0.06 acre of floodway will be temporarily impacted during construction. The project is located along the left descending bank of the Monongahela River (USGS Quadrangle: Pittsburgh East, PA; Latitude: 40° 25' 46.08"; Longitude: -79° 57' 52.67"), between 24th and 29th streets, in the City of Pittsburgh, Allegheny County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

E33-250, PA DOT District 10-0, 2550 Oakland Ave., Indiana, PA 15701. SR 1027 Section 550 Bridge Replacement Project across North Fork Redbank Creek, Polk Township, **Jefferson County**, ACOE Pittsburgh District (Munderf, PA Quadrangle N: 41°, 16', 01" ; W: -78°, 56', 45").

To remove the existing single span plate girder bridge and to construct and maintain a 96.0 ft long single span prestressed reinforced concrete bulb-tee bridge with an underclearance of 12.2 ft and out to out width of 31.4 ft across North Fork Redbank Creek (HQ-CWF) on SR 1027 Segment 0060 Offset 2966 on a new alignment approximately 50 ft downstream from existing structure. The project includes construction of approximately 950 ft of new roadway alignment and is located 1.6 miles north of Egypt, PA.

E42-08-011, NFG Midstream Clermont, LLC, 6363 Main Street, Williamsville, NY14221-5855, Sergeant Township, **McKean County**, ACOE Pittsburgh District.

The applicant proposes the installation of a 24 inch diameter natural gas pipeline. The proposed pipeline project is located entirely in Sergeant Township, McKean County, PA. The project will start at coordinates 41.701944 N, 78.499444 W, & terminate at coordinates 41.675278 N, 78.500833 W. Two pipeline routes are being proposed. The primary route will span approximately 1.9 miles resulting in 152 linear feet of temporary stream impacts and 0.28 acre of temporary wetland impacts. The secondary route will span approximately 2.2 miles resulting in 226 linear feet of temporary stream impacts and 0.67 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline through the primary route are described below:

- 1 One (1) 24 inch diameter natural gas gathering line & proposed ROW crossing an unnamed tributary (UNT) to Warner Brook (HQ-CWF), using open cut technique, resulting in 148 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W
- 2 One (1) 24 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to East Branch Clarion River (HQ-CWF), using HDD technique, resulting in 0.0 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°41'03"N -78°30'09"W
- 3 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line with proposed ROW crossing East Branch Clarion River (HQ-CWF), using open trench technique, resulting in 383 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°40'37"N -78°30'04"W

- 4 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft² of impacts. (Crosby, PA Quadrangle) 41°41'41"N -78°30'02"W
- 5 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 2,222 ft² of impacts. (Crosby, PA Quadrangle) 41°41'33"N -78°30'03"W
- 6 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 3,701 ft² of impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W
- 7 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 6,455 ft² of impacts. (Crosby, PA Quadrangle) 41°41'24"N -78°30'05"W
- 8 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft² of impacts. (Crosby, PA Quadrangle) 41°41'08"N -78°30'08"W
- 9 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using HDD technique, resulting in 0 ft² of impacts. (Crosby, PA Quadrangle) 41°41'04"N -78°30'09"W
- 10 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine unconsolidated bottom (PUB), or Pond, using HDD technique, resulting in 0 ft² of impacts. (Crosby, PA Quadrangle) 41°41'03"N -78°30'09"W
- 6 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 3,677 ft² of impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W
- 7 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 6,441 ft² of impacts. (Crosby, PA Quadrangle) 41°41'24"N -78°30'05"W
- 8 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 121 ft² of impacts. (Crosby, PA Quadrangle) 41°41'11"N -78°30'07"W
- 9 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing of a palustrine scrub shrub (PSS) wetland using open cut technique, resulting in 772 ft² of impacts. (Crosby, PA Quadrangle) 41°41'01"N -78°30'14"W

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-082: Lenox Township, Regency Marcellus Gas Gathering, LLC; 101 West Third Street, Williamsport, PA 17701; Lenox Township, **Susquehanna County;** ACOE Baltimore District.

To construct, operate, and maintain:

- 1) an 8 inch diameter steel natural gas pipeline impacting 7,639 square feet of floodway to an unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 19", W -75° 44' 40"),
- 2) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,602 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 20", W -75° 44' 40"),
- 3) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,817 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 4' 22", W -75° 44' 40"),
- 4) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,485 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 23", W -75° 44' 40"),
- 5) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 892 square feet (0.02 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 19", W -75° 44' 41"),
- 6) an 8 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 84 lineal feet of unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 22", W -75° 44' 40"),
- 7) an 8 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 85 lineal feet of unnamed tributary to Utley Brook (CWF, MF) (Lenoxville, PA Quadrangle, N 41° 41' 23", W -75° 44' 40"),
- 8) a temporary timber mat crossing impacting 568 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 25", W -75° 44' 43"),

The water obstructions and encroachments for the purposes of installing the pipeline through the secondary route are described below:

- 1 One (1) 24 inch diameter natural gas gathering line & proposed ROW crossing an unnamed tributary (UNT) to Warner Brook (HQ-CWF), using open cut technique, resulting in 148 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°41'25"N -78°30'04"W
- 2 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing an unnamed tributary (UNT) to East Branch Clarion River (HQ-CWF), using open cut technique, resulting in 2,261 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°41'01"N -78°30'12"W
- 3 One (1) temporary road crossing and one (1) 24 inch diameter natural gas gathering line crossing East Branch Clarion River (HQ-CWF), using open cut technique, resulting in 383 ft² of temporary impacts. (Crosby, PA Quadrangle) 41°40'37"N -78°30'04"W
- 4 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 16,089 ft² of impacts. (Crosby, PA Quadrangle) 41°41'41"N -78°30'02"W
- 5 One (1) 24 inch diameter natural gas gathering line crossing of a palustrine emergent (PEM) wetland using open cut technique, resulting in 2,222 ft² of impacts. (Crosby, PA Quadrangle) 41°4'33"N -78°30'03"W

9) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 14,632 square feet (0.34 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 31", W -75° 44' 38"),

10) a temporary timber mat crossing impacting 1,271 square feet (0.03 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 32", W -75° 44' 17"),

11) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,632 square feet (0.04 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 34", W -75° 44' 12"),

12) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,828 square feet (0.04 acre) of a palustrine forested (PFO) wetland (Lenoxville, PA Quadrangle, N 41° 41' 35", W -75° 44' 11"),

13) a temporary timber mat crossing impacting 506 square feet (0.01 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 35", W -75° 44' 11"),

14) an 8 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 5,382 square feet (0.12 acre) of a palustrine emergent (PEM) wetland (Lenoxville, PA Quadrangle, N 41° 41' 37", W -75° 44' 06"),

15) an 8 inch diameter steel natural gas pipeline crossing impacting 456 square feet (0.01 acre) of a palustrine forested (PFO) wetland (Lenoxville, PA Quadrangle, N 41° 41' 37", W -75° 43' 57"),

16) an 8 inch diameter steel natural gas pipeline crossing impacting 85 square feet (0.01 acre) of a palustrine open water (POW) wetland (Lenoxville, PA Quadrangle, N 41° 41' 38", W -75° 43' 55").

The Taylor to Rodgers Natural Gas Pipeline consists of approximately 8,568 feet (1.62 miles) of 8" steel natural gas gathering line located in Lenox Township, Susquehanna County. The project will result in 169 lineal feet of temporary stream impacts, 30,242 square feet (0.69 acre) of temporary wetland impacts, 1,828 square feet (0.04 acre) of permanent wetland impacts, and 85 square feet of permanent open water impacts all for the purpose of development and conveyance of Marcellus Shale natural gas.

E4129-090 Seneca Resources Corporation, 5800 Corporate Drive, Suite 300, Pittsburgh, PA 15237, Gamble Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) Rock fill impacting 103 square feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Trout Run, PA Quadrangle 41°23'17"N 77°01'43"W).

The project resulted in 72 linear feet of stream impact due to over excavation prior to the placement of a bottomless arch culvert previously permitted under GP-07-4129-13-001 for the purpose of installing a permanent access roadway for Marcellus Shale wells.

E0829-098: Appalachia Midstream, LLC, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 634 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°12'39");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 3,723 square feet of a Palustrine Emergent Wetland (EV) (Jenningsville, PA Quadrangle, Latitude: 41°35'15", Longitude: -76°12'38").

The project will result in 4,357 square feet (0.10 acre) of PEM wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County.

ENVIRONMENTAL ASSESSMENTS

Cambria District: Contact Person: Patrick M. Webb, 286 Industrial Park Rd, Ebensburg, PA 15931-4119.

EA1109-005. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Croyle and East Taylor Townships and Ehrenfeld Borough, **Cambria County**, Pittsburgh ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 17,200 linear feet of dangerous highwall. The project will also include the backfilling of 0.66 acre of PEM wetlands that have developed within the open surface mine pits of which 0.43 acre will require mitigation. (Geistown Quadrangle 40° 22' 25" N, 78° 48' 54" W).

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 NPDES	New or Amendment
Section II Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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 free 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>
PA0035271 (Sewage)	Tall Timbers Village TTV 6 Factoryville, PA 18419	Lackawanna County La Plume Township	South Branch Tunkhannock Creek (4-F)	Y
PA0021547 (Sewage)	Orwigsburg Borough Municipal Authority WWTP South Liberty Street Orwigsburg, PA 17961	Schuylkill County North Manheim Township	Mahannon Creek (03A)	Y
PA0062006 (Sewage)	Camp Kresge 382 Senator Raphael Musto Drive White Haven, PA 18661	Luzerne County Dennison Township	Nescopeck Creek (5-D)	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>
PA0088056—SEW	Mr. Mark L. Guise Gettysburg Municipal Authority PO Box 3307 601 East Middle Street Gettysburg, PA 17325-3307	Adams County / Cumberland Township	UNT Marsh Creek / 13-D	Y
PA0081841—SEW	Ms. Kim Miller MHC TT Inc dba Hershey Preserve 493 S Mt Pleasant Lebanon, PA 17042	Lebanon County / South Annville Township	UNT Gingrich Run / 7-D	Y
PA0081418—IW	Mr. Todd Rutter Rutter's Dairy, Inc. 2100 N. George Street York, PA 17404	York County / Manchester Township	UNT Codorus Creek / 7-H	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 #)</i>	<i>EPA Waived Y/N ?</i>
PA0228681 (Sewage)	Penn Township Village Of Coburn STP Sanitary Sewer 572 Main Street Coburn, PA 16832	Centre County Penn Township	Penns Creek (6-A)	Y

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095265	Heilwood Water Treatment Plant 5955 Rt 403 North Heilwood, PA 15745	Indiana County Pine Township	Unnamed Tributary to Yellow Creek (18-D)	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>
PA022232 (Industrial Waste)	Albion Boro WTP North of Gage Road Albion, PA 16401	Erie County Conneaut Township	East Branch Conneaut Creek 15-A	Y
PA022739 (Sewage)	Blooming Valley United Methodist Church 24740 State Street, Meadville, PA 16335	Crawford County Blooming Valley Borough	Unnamed Tributary to the Woodcock Creek 16-A	Y
PA0239208 (Sewage)	Catherine M & John A McIntyre SFTF	Butler County Clearfield Township	Unnamed Tributary to the Little Buffalo Run 18-F	Y

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

NPDES Permit No. PA0020460 A-1, Sewage, **Pennridge Wastewater Treatment Authority**, PO Box 31, Sellersville, PA 18960.

This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the amendment of an NPDES permit to discharge treated sewage from a facility known as Pennridge WWTP to East Branch Perkiomen Creek in Watershed 3-E.

NPDES Permit No. PA0043982, Sewage, **Utilities, Inc. of Pennsylvania**, 1201 Sawmill Road, Downingtown, PA 19335-3830.

This proposed facility is located in West Bradford Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Broad Run STP to East Branch Brandywine Creek in Watershed 3-H.

NPDES Permit No. PA0058572, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This proposed facility is located in Penn Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Penn Township STP to Unnamed Tributary of East Branch Big Elk Creek in Watershed 7-K.

NPDES Permit No. PA0056804, Industrial, **North Penn North Wales Water Authority, d.b.a. Forest Park Water**, 144 Park Avenue, PO Box 317, Chalfont, PA 18914.

This proposed facility is located in Chalfont Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated wastewater from a facility known as Forest Park WTP to Pine Run in Watershed 2-F.

NPDES Permit No. PA0244643, Industrial, **Oldcastle Precast**, 1900 Pennsylvania Avenue, Croydon, PA 19021.

This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the replacement of General Permit PAR210030 of an NPDES permit to discharge industrial waste (non-contact cooling water) from a facility known as Oldcastle

Precast—Croydon Site to an Unnamed Tributary to Neshaminy Creek in Watershed 2-F.

NPDES Permit No. PA0051616, Industrial, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in East Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge backwater water from a facility known as Shady Lane Water Treatment Plant to Schuylkill River in Watershed 3D.

NPDES Permit No. PA0050016, Industrial, **Market Corp**, 435 School Lane, Plymouth Meeting, PA 19462.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge contact and non-contact cooling water from a facility known as Market Corporation to Diamond Run in Watershed 3F—Lower Schuylkill River.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

NPDES Permit No. PA0060780, IW, SIC Code 3086, 4952, **Leggett & Platt Inc.**, 515 Salem Boulevard, Berwick, PA 18603-6459.

This existing facility is located in Salem Township, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage, CCW, NCCW, and stormwater associated with industrial activities.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0009741, Amendment #1, Industrial Waste, **Exelon Generation Co., LLC.**, 1005 Brandon Shores Road, Suite 200, Baltimore, MD 21226.

This proposed facility is located in Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-K.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0103632, Industrial Waste, SIC Code 4911, **Piney Creek, LP & Clarion Altela Environmental Services, LLC**, 428 Power Lane, Clarion, PA 16214-3128. Facility Name: Piney Creek Power Plant. This existing facility is located in Piney Township, **Clarion County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated Industrial Waste and stormwater from a waste coal electricity generation plant. A new discharge of treated natural gas-related wastewaters is being added with this renewal.

The receiving streams, the Piney Creek and an Unnamed Tributary to the Piney Creek, are located in State Water Plan watershed 17-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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, 484.250.5900

WQM Permit No. 4605202-T-1, Sewage, Transfer, **Global Advanced Metals USA, Inc.**, 65 County Line Road, Boyertown, PA 19512.

This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Permit transferred from Cabot Corporation to Global Advanced Metals USA, Inc. Operation of an industrial wastewater treatment plant.

WQM Permit No. 4689480, Sewage, Amendment, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464.

This proposed facility is located in Pottstown Borough, **Montgomery County**.

Description of Action/Activity: Modifications will not increase the plant capacity but to enhance plant performance.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. WQG01361401, Sewerage, **Andrew Swinehart**, 32 Eden Road, Quarryville, PA 17566.

This proposed facility is located in Eden Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of a small flow treatment facility to serve their single family residence.

WQM Permit No. WQG01071401, Sewerage, **Harold & Bernese Fleig**, 926 Riggles Gap Road, Altoona, PA 16601.

This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of a small flow treatment system to serve their single family residence.

WQM Permit No. 6791201, Amendment #1, Industrial Waste, **Exelon Generation Co., LLC**, 1005 Brandon Shores Road, Suite 200, Baltimore, MD 21226.

This proposed facility is located in Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of wastewater facilities consisting of: An 18,000 gallon oil/water separator with containment, concrete foundation, level sensors and alarms, two new pumps each with a capacity of 750 gpm and an associated 30 hp motor, and associated piping.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 0412403—Sewage, **Ambridge Borough Municipal Authority**, 600 Eleventh Street, Ambridge, PA 15003.

This proposed facility is located in Ambridge Borough, **Beaver County**.

Description of Proposed Action/Activity: Construction of a new 4th Street Pump Station + Force Main + Park Road Interceptor + Wet Weather Equalization Tank in Ambridge Borough.

WQM Permit No. 0270205 Industrial Waste, SIC Code 4911, **NRG Power Midwest LP**, 121 Champion Way, Canonsburg, PA 15317.

This existing facility is located in Springdale Borough, **Allegheny County**.

Description of Proposed Action/Activity: Amendment of transfer of the above referenced permit transferring the permit from GenOn Power Midwest, LP to NRG Power Midwest LP and amending Special Condition C.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 2514201, Industrial Waste, **Union City Borough Municipal Authority**, 29 S Main Street, Union City, PA 16438.

This existing facility is located in Union Township, **Erie County**.

Description of Proposed Action/Activity: Replace Backwash Sedimentation Lagoon with two concrete lined Backwash Settling Lagoons to treat wastewater from the Borough's water treatment plant.

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1513033	Sunny Ridge Farms, LLC 1505 Generals Way West Chester, PA 19380	Chester	East Goshen Township	West Branch Ridley Creek HQ—TSF
PAI01 1513032	TAG Builders, Inc. 655 Swedesford Road Malvern, PA 19355	Chester	Malvern Borough	Crum Creek HQ—CWF—MF
PAI01 1514009	Brian & Jill Lawlor 31 Steepleview Drive Glenmore, PA 19343 and Stoltzfus Enterprises, Ltd. 26 East Main Street Elverson, PA 19520	Chester	West Vincent Township	Pickering Creek HQ—TSF—MF
PAI01 1514014	Alliance HSP Malvern Office, LP 40 Morris Avenue, Suite 230 Bryn Mawr, PA 19010	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 2314002	BPG Land Partners VIII Seaport, LLC 322 A Street, Suite 300 Wilmington, DE 19801	Delaware	City of Chester	Delaware River WWF—MF
PAI01 2313002-1	The Boeing Company P. O. Box 16858, MC P29-14 Philadelphia, PA 19142	Delaware	Ridley Township	Crum Creek WWF—MF Delaware River WWF—MF

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>
PAI024514003	UGI Utilities, Inc. 225 Morgantown Road Reading, PA 19611	Monroe	Mount Pocono Borough, Coolbaugh Township, Tobyhanna Township	Red Run (HQ-CWF, MF) Unnamed Tributaries to Tobyhanna Creek (HQ-CWF, MF) Unnamed Tributaries to Indian Run (EV)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514004	PPL Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Monroe	Middle Smithfield Township	Sand Hill Creek (HQ-CWF, MF)
PAI023908025R	Michels Corporation 817 W. Main Street Brownsville, WI 53006 DB3, LLC 2005 City Line Road, Suite 1006 Bethlehem, PA 18107	Lehigh	City of Bethlehem	Monocacy Creek (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403006R	Stearns Boal LP 100 N Patterson St State College PA 16801	Centre	College Township	Spring Creek HQ-CWF
PAI041403017R(3)	Penn State Univ of Physical Plant 113 Physical Plant Bldg University Park PA 16802	Centre	State College Boro	Slab Cabin Run CWF Thompson Run HQ-CWF
PAI041408014R	Glenn O Hawbaker Inc 1952 Waddle Rd State College PA 16803	Centre	Patton Township	UNT to Spring Creek CWF

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
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>
Buckingham Township Bucks County	PAG0200 0908101R	None Such Farms Market 4458 York Road Buckingham, PA 18912	Watson Creek CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Township Bucks County	PAG0200 0914009	Penn Color, Inc. 400 Old Dublin Pike Doylestown, PA	Pine Run TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Telford Borough Bucks County	PAG0200 0914031	Telford Borough 122 Penn Avenue Telford, PA 18969	Mill Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG0200 0913082	Lifestyle Healthcare Group, Inc. 790 Newtown-Yardley Road Suite 425 Newtown, PA 18940	Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAG0200 09130491	Stephan A. Lagomarsino 230 Village Way Chalfont, PA 18914	Unnamed Tributary to Pidcock Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAG0200 1513024	Bondsville Road Realty Ventures, LLC 2298 Horseshoe Pike Honey Brook, PA 19344	Beaver Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1514005	Royal Paper Products, LLC P. O. Box 151 Coatesville, PA 19320	Valley Creek CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1507010-R	Chester County Department of Facilities & Parks 313 W. Market Street Suite 5402, PO Box 2748 West Chester, PA 19380	Valley Creek No. 2 West CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Valley Township Chester County	PAG0200 1512006-R(1)	Pacer Industries 200 Red Road Coatesville, PA 19320	Sucker Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franklin Township Chester County	PAG0200 1510023-R(1)	Wilkinson Homes, LLC Crossan Creek, LP 1020 Broad Run Road Landenberg, PA 19350	Unnamed Tributary to East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1508067-R	General Counsel QVC Realty, Inc. 1200 Wilson Drive West Chester, PA 19380	East Branch Chester Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4613027	Toll PA, L.P. 250 Gibraltar Road, 2E Horsham, PA 19044	Skippack Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4607150R(1)	Toll Brothers, Inc. 4 Hillman Drive, Suite 120 Chadds Ford, PA 19317	Unnamed Tributary to the Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Upper Providence Township Montgomery County	PAG0200 4613092	RAM Construction, Inc. 4402 Skippack Pike, Suite 102 Skippack, PA 19474	Perkiomen Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG0200 4614005	Francis E. Schultz, Jr. 541 Flint Hill Road King of Prussia, PA 19406	Frog Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Douglass Township Montgomery County	PAG0200 4614016	Berks-Montgomery Municipal Authority 136 Municipal Drive PO Box 370 Gilbertsville, PA 19525	Minister Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

<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>
Moosic Borough Lackawanna County	PAG02003514006	Raymond C. Rinaldi 520 Spruce Street Scranton, PA 18501	Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Newton Township Lackawanna County	PAG02003514003	Stonewood Estates LLC 1948 Newton-Ransom Boulevard Clarks Summit, PA 18411	Gardner Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
		John Roy Thompson Trust LLC 1948 Newton-Ransom Boulevard Clarks Summit, PA 18411		
Lafin Borough Luzerne County	PAG02004013021	American Asphalt Paving Co. Bernard Banks Jr. 500 Chase Road Shavertown, PA 18708	Gardner Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
West Penn Township, Schuylkill County	PAG02005409008RR	Jim Hower 343 Hazle Street Tamaqua, PA 18252	UNT Mahoning Creek (CWF)	Schuylkill County Conservation District 570-622-3742
		Slayton Attenburg 847 Dairy Road Tamaqua, PA 18252		

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Cumberland Township, Straban Township, and Gettysburg Borough Adams County	PAG02000114013 Issued	Columbia Gas of PA 1020 North Hartley Street York, PA 17404	Rock Creek/WWF/MF	Adams County Conservation District 670 Old Harrisburg Road., Suite 201 Gettysburg, PA 17325 717.334.0636
North Newton Township Cumberland County	PAG02002114012 Issued	First Church of God of Newville 475 Shippensburg Road Newville, PA 17241	Big Spring Creek/CWF/MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812

<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>
Washington Township Berks County	PAG02000610039R Issued	Spring Valley Village, LLC 1590 Canary Road Quakertown, PA 18951	UNT to Swamp Creek/CWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657
Tulpehocken Township Berks County	PAG02000614017 Issued	Larry Dean Martin 62 Eisenhauer Road Myerstown, PA 17067	Little Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610-372-4657
Lower Paxton Township Dauphin County	PAG020022090371 Issued	Cider Press Associates LLC 4712 Smith Street Harrisburg, PA 17109	Beaver Creek/WWF	Dauphin County Conservation District 1451 Peter's Mountain Road Dauphin, PA 17018-9504 717.921.8100
South Annville Township Lebanon County	PAG02003814008 Issued	Dale E. Zimmerman 564 Horseshoe Pike Lebanon, PA 17042	Gingrich Run/UNT, TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717.272.3908, ext. 4
Freedom Township Adams County	PAG02000114014 Issued	The Robinson Qualified Personal Residence Trust Dated 4/4/2013 4 Christopher Circle New Hartford, NY 13413	UNT to Marsh Creek/CWF, MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Cumberland Township Adams County	PAG02000114016 Issued	Edward Jenkins 40 East High Street Gettysburg, PA 17325	UNT to Rock Creek/WWF, MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

<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>
Muncy Township Lycoming County	PAG02004114005	Thomas Newhard Ashler Inc 276 Ashler Manor Dr Muncy PA 17756	Wolf Run CWF, MF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

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>
Ridgway Township Butler County	PAG02002413007	Trek Development Group 130 7th Street, Suite 300 Pittsburgh PA 15222	Unt Clarion River CWF	Butler County Conservation District 724-284-5270
Clinton Township Butler County	PAG02001014018	ALDI Inc 6000 N Noah Drive Saxonburg PA 16056-9730	Unt Thorn Creek CWF; Unt Davis Run CWF	Butler County Conservation District 724-284-5270
City of St. Mary's Elk County	PAG02002414002	St. Marys Box Company 109 Jeep Road St Marys PA 15857	Iron Run CWF	Elk County Conservation District 814-776-5373

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>
North East Borough Erie County	PAG02002504031R	Dave Thornton 10650 West Main Street North East PA 16428	Unt 16 Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Harborcreek Township Erie County	PAG02002514011	Westminster Group 2601 West 26th Street Erie PA 16506	Unt Fourmile Creek WWF	Erie County Conservation District 814-825-6403
North East Township Erie County	PAG02002513022	Laxami LLC Holiday Inn Express 6310 Station Road North East PA 16428	Unt 16 Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002514001	Grace Slavic Pentecostal Church 5865 Carriage Hill Drive Erie PA 16509	Unt Mill Creek WWF; MF and Unt Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Brookville Borough Jefferson County	PAG02003314002	Clarion Federal Credit Union 144 Holiday Inn Road Clarion PA 16214	Clement Run CWF	Jefferson County Conservation District 814-849-7403

*General Permit Type—PAG-02 Renewal**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>
Nicholson Township Fayette County	PAG02-1026-12-007R	Bureau of Abandoned Mine Reclamation Harrisburg Office P. O. Box 69205 Harrisburg, PA 17106-9205	Jacobs Creek (WWF) to Monongahela River (WWF) to Ohio River	PA DEP Harrisburg Office P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-7924
Jenner & Quemahoning Townships Somerset County	PAG02-1056-12-006R	Bureau of Abandoned Mine Reclamation Harrisburg Office P. O. Box 69205 Harrisburg, PA 17106-9205	Two Mile Run (CWF) to Stony Creek River (TSF) to Conemaugh River to Kiskiminetas River to Allegheny River to Ohio River	PA DEP Harrisburg Office P. O. Box 69205 Harrisburg, PA 17106-9205 717-783-7924

*General Permit Type—PAG-03**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>
Johnstown City Cambria County	PAR206145	Johnstown Redevelopment Authority 4th Floor—Public Safety Bldg 401 Washington Street Johnstown, PA 15901-1892	Conemaugh River— 18-D/ WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Washington Township Northampton County	PAG032205	Student Transportation of America 409 Elk Street Suite 100 Carnegie, PA 15106	Unnamed Tributary to Martins Creek— 1-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Whitehall Township Lehigh County	PAR202225	Bridesburg Foundry Co. PO Box 269 Whitehall, PA 18052-0269	Lehigh River—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

<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>
South Abington Township Lackawanna County	PAR232222	Mesto Paper USA Inc. 987 Griffin Pond Road Ivy Industrial Park Clarks Summit, PA 18411	Ackerly Creek—4-F	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Hampden Township & Camp Hill Borough / Cumberland County	PAR803512	US Xpress, Inc.—Camp Hill Facility 4080 Jenkins Road Chattanooga TN 37421	UNT Cedar Run / CWF / 7-E	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Fairview Township Erie County	PAR608325	Ernest J. Bizzarro d/b/a Community Auto Recycling 2540 Manchester Road, Erie, PA 16506	Walnut Creek 15	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>
Lancaster County / Eden Township	PAG043935	Andrew Swinehart 32 Eden Road Quarryville, PA 17566	UNT Big Beaver Creek / 7-K	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County / Antis Township	PAG043936	Harold & Bernese Fleig 926 Riggle Gap Road Altoona, PA 16601	Riggles Gap Run / 11-A	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

Permit Type—PAG-5

<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>
Adams County / Straban Township	PAG053604	Suburban Heating Oil Partners, LLC—Gettysburg Facility PO Box 4833 Syracuse, NY 13214	UNT Rock Creek / WWF & MF	DEP—SCRO— CW Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Bedford County / East Providence Township	PAG083539	East Providence Township Municipal Authority PO Box 83 Breezewood, PA 15533	East Providence Township Septage Treatment Plant 244 Municipal Road Breezewood, PA 15533 East Providence Township / Bedford	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

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—ACTIONS

<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>
Ken Gebhart Blue Berry Hill Farm 2950 Centennial Road Hanover, PA 17331	Adams	619.9	560.03	swine	na	approved
Cooper's Hillside Acres Bryan Cooper 335 Dotterer Road Lenhartsville, PA 19534	Berks	375.9	77.95	Swine	NA	Approved
A & L Farms Linford Snyder Mailing address: 831 Greble Road, Lebanon, PA 17046 Farm address: 3304 Mountain Road, Hamburg, PA 19426	Berks	160.4	543.53	Layer	NA	Approved
Mountain View Swine Farm 160 Frystown Road Myerstown, PA 17067	Berks	141.4	2125.41	Swine	NA	Approved

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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 4614502, Public Water Supply.

Applicant **National Water Services, Inc.**
1217 Parkway Drive
Suite 13
Santa Fe, NM 87507

Townships Plymouth, Abington, and
Concord

Counties **Montgomery and Delaware**

Type of Facility PWS

Consulting Engineer Rettew Associates, Inc.
941 Marcon Blvd, Suite 801
Allentown, PA 18109

Permit to Construct Issued May 27, 2014

Permit No. 1514511, Minor Amendment. Public Water Supply.

Applicant **Hideway MHP**
Michael and Compass Roads
Honey Brook, PA 19344

Township West Caln

County **Chester**

Type of Facility PWS

Consulting Engineer Martin Water Conditioning
740 East Lincoln Avenue
Myertown, PA 17067

Permit to Construct Issued May 27, 2014

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 2520031, Operations Permit Public Water Supply.

Applicant **LW Mobile Home Park, LLC**
24 Pinewood Dr.
Covington Township, Pa 18424

[Borough or Township] Lackawaxen Township

County **Pike**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued 5/20/2014

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Operation Permit No. 3614507 issued to: **Dutch Treat Motel (PWS ID No. 7361073)**, Strassburg Township, **Lancaster County** on 5/28/2014 for facilities approved under Construction Permit No. 3614507.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1913501—Construction—Public Water Supply.

Applicant **Lehet Village**

Township/Borough Sugarloaf Township

County **Columbia**

Responsible Official Mr. Richard Lehet
Lehet Village
5116 State Route 487
Benton, PA 17814

Type of Facility Public Water Supply

Consulting Engineer Benjamin Shull, P.E.
Navarro & Wright Cons.
Engr. Inc.
151 Reno Ave.
New Cumberland, PA 17070

Permit Issued June 2, 2014

Description of Action Construction of a new public water system at the existing Lehet Village. The approved public water system includes a new Well No. 1, chlorine contact piping, booster pump station, finished water storage and distribution system.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Permit No. 1114503, Public Water Supply.

Applicant **Glendale Valley Municipal Authority**
1800 Beaver Valley Road
Flinton, PA 16640

[Borough or Township] Flinton

County **Cambria**

Type of Facility Turkey Ridge Tank #1

Consulting Engineer Utility Service Group, Inc.
535 Courtney Hodges Boulevard
Perry, GA 31069

Permit to Construct Issued May 19, 2014

Permit No. 1114512, Public Water Supply.

Applicant **Glendale Valley Municipal Authority**
1800 Beaver Valley Road
Flinton, PA 16640

[Borough or Township] Flinton

County **Cambria**

Type of Facility Turkey Ridge Tank #2

Consulting Engineer Utility Service Group, Inc.
535 Courtney Hodges Boulevard
Perry, GA 31069

Permit to Construct Issued May 19, 2014

Permit No. 2614501, Public Water Supply.

Applicant **North Fayette County Municipal Authority**
1634 University Drive
PO Box 368
Dunbar, PA 15431

[Borough or Township] Dunbar Township
 County **Fayette**
 Type of Facility Furnace Hill booster station
 Consulting Engineer
 Permit to Construct May 19, 2014
 Issued

Permit No. 0413507, Public Water Supply.

Applicant **Municipal Authority of the Borough of Midland**
 946 Railroad Avenue
 Midland, PA 15059

[Borough or Township] Midland Borough
 County **Beaver**
 Type of Facility Raw water intake
 Consulting Engineer Widmer Engineering, Inc.
 806 Lincoln Place
 Beaver Falls, PA 15010
 Permit to Construct May 30, 2014
 Issued

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) New Stanton Borough and Hempfield Township, **Westmoreland County** on May 19, 2014 for the operation of facilities approved under Construction Permit #2608502MA.

Operations Permit issued to: **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931, (PWSID #4110009) Ebensburg Borough, **Cambria County** on May 19, 2014 for the operation of facilities approved under Construction Permit #1111511.

Operations Permit issued to: **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931, (PWSID #4110009) Ebensburg Borough, **Cambria County** on May 19, 2014 for the operation of facilities approved under Construction Permit #1111513.

Operations Permit issued to: **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931, (PWSID #4110009) Ebensburg Borough, **Cambria County** on May 19, 2014 for the operation of facilities approved under Construction Permit #1111514.

Operations Permit issued to: **Municipal Authority of the Borough of Ebensburg**, 300 West High Street, Ebensburg, PA 15931, (PWSID #4110009) Ebensburg Borough, **Cambria County** on May 19, 2014 for the operation of facilities approved under Construction Permit #1111515.

Operations Permit issued to: **West Carroll Water Authority**, PO Box 328, Elmora, PA 15737, (PWSID #4110058) West Carroll Township, **Cambria County** on May 21, 2014 for the operation of facilities approved under Construction Permit #1111505.

Operations Permit issued to: **West Carroll Water Authority**, PO Box 328, Elmora, PA 15737, (PWSID #4110058) West Carroll Township, **Cambria County** on May 21, 2014 for the operation of facilities approved under Construction Permit #1111506.

Permit No. 0214501MA, Minor Amendment. Public Water Supply.

Applicant **Hampton Shaler Water Authority**
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101

[Borough or Township] Indiana Township
 County **Allegheny**
 Type of Facility Mary Ann water storage tank
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct May 19, 2014
 Issued

Permit No. 0214529MA, Minor Amendment. Public Water Supply.

Applicant **Hampton Shaler Water Authority**
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101

[Borough or Township] Indiana Township
 County **Allegheny**
 Type of Facility Mary Ann water storage tank
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct May 19, 2014
 Issued

Permit No. 0214502MA, Minor Amendment. Public Water Supply.

Applicant **Hampton Shaler Water Authority**
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101

[Borough or Township] Shaler Township
 County **Allegheny**
 Type of Facility James Street water storage tank
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct May 19, 2014
 Issued

Permit No. 0214529MA, Minor Amendment. Public Water Supply.

Applicant **Hampton Shaler Water Authority**
 PO Box 66
 3101 McCully Road
 Allison Park, PA 15101

[Borough or Township] Shaler Township
 County **Allegheny**
 Type of Facility James Street water storage tank
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Construct Issued May 19, 2014
Permit No. 1114502MA, Minor Amendment. Public Water Supply.

Applicant **Highland Sewer & Water Authority**
 120 Tank Drive
 Johnstown, PA 15904

[Borough or Township] Summerhill Township
 County **Cambria**

Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501

Permit to Construct Issued May 19, 2014
Permit No. 0213517WMP, Minor Amendment. Public Water Supply.

Applicant **Fox Chapel Authority**
 255 Alpha Drive
 Pittsburgh, PA 15238

[Borough or Township] Fox Chapel Borough
 County **Allegheny**

Type of Facility Bulk load-out station
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 PO Box 200
 Indianola, PA 15051

Permit to Operate Issued May 19, 2014

Permit No. 3014502WMP, Minor Amendment. Public Water Supply.

Applicant **Municipal Authority of the Borough of Carmichaels**
 104 North Pine Street
 Carmichaels, PA 15320

[Borough or Township] Cumberland Township
 County **Greene**

Type of Facility Bulk load-out station
 Consulting Engineer KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

Permit to Operate Issued May 19, 2014

Permit No. 5610520GWR, Minor Amendment. Public Water Supply.

Applicant **Seven Springs Municipal Authority**
 290 Lagoon Lane
 Champion, PA 15622

[Borough or Township] Middlecreek Township
 County **Somerset**

Type of Facility Groundwater rule approval
 Consulting Engineer Widmer Engineering
 225 West Crawford Avenue
 Connellsville, PA 15425

Permit to Operate Issued May 21, 2014

Permit No. 5610518GWR, Minor Amendment. Public Water Supply.

Applicant **Seven Springs Municipal Authority**
 290 Lagoon Lane
 Champion, PA 15622

[Borough or Township] Middlecreek Township
 County **Somerset**

Type of Facility Groundwater rule approval
 Consulting Engineer Widmer Engineering
 225 West Crawford Avenue
 Connellsville, PA 15425

Permit to Operate Issued May 21, 2014

Permit No. 3211506GWR, Minor Amendment. Public Water Supply.

Applicant **Glen Campbell Borough**
 PO Box 43
 Glen Campbell, PS 15742

[Borough or Township] Glen Campbell Borough
 County **Indiana**

Type of Facility Groundwater rule approval
 Consulting Engineer

Permit to Operate Issued May 21, 2014

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit No. 6114501 Public Water Supply

Applicant **Andrew Narlee d/b/a Country Estates Mobile Home Park**

Township or Borough Clinton 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 Issued May 27, 2014

Operation Permit issued to **Slippery Rock Associates, PWSID No. 5100071**, Brady Township, **Butler County**. Permit Number 1013504 issued May 27, 2014 for the operation of the Maple Manor Mobile Home Park. This permit is issued in response to a request to transfer Public Water Supply Permits for Maple Manor Mobile Home Park from Iron Trac MHP2, LLC to Slippery Rock Associates and the Construction completion certificate indicating that the 4-log treatment has been completed.

Permit No. 1614501 Public Water Supply

Applicant **The Scenic Rivers Young Men's Christian Association**

Township or Borough Ashland Township
 County **Clarion**

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 May 27, 2014
Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484.250.5970

Plan Location:

<i>Township</i>	<i>Township Address</i>	
County Newtown Borough	23 North State Street Newtown, PA 18940	Bucks

On May 19, 2014, the Southeast Regional office approved an update to Newtown Borough, Bucks County's official Plan under the Pennsylvania Sewage Facilities Act, 35 P. S. § 750.1 et seq. ("537 Plan") (APS ID 840742 SITE ID 782586). This 537 Plan Update addressed the sewage needs of the entire borough.

The Plan Update provides for the Borough's continued reliance on the Bucks County Water and Sewer Authority's (BCWSA) Neshaminy Interceptor for sewage conveyance to the City of Philadelphia's Northeast Water Pollution Control Facility.

By letter dated July 25, 2012, DEP determined that BCWSA's Neshaminy Interceptor had a projected hydraulic overload pursuant to 25 Pa. Code § 94.22. As § 94.22 provides, BCWSA has submitted a corrective action plan and connection management plan for the Neshaminy Interceptor (NICAP/NICMP), and the Department has accepted them. BCWSA's NICAP/NICMP call for the municipalities tributary to the Neshaminy Interceptor to complete sewage facilities planning to document current and future needs and to implement comprehensive inflow and infiltration reduction programs, so that BCWSA may properly design any necessary expansion of the Neshaminy Interceptor to address the projected hydraulic overload. Connections in municipalities meeting the applicable milestones listed in the NICAP/NICMP, are eligible for the annual release as listed in the NICAP/NICMP. The Year 2014 connections listed in the NICMP are already eligible for release. To date, Newtown Borough has met the milestones listed in the NICAP/NICMP for the release of its Year 2015 connections listed on the NICMP. Newtown Borough has also completed the Act 537 planning process, which is among the milestones listed in the NICAP/NICMP for the release of Year 2016 connections. All other milestones for the release of Year 2016 connections, which are listed in the NICMP under the Year 2015 heading, remain to be completed.

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 environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Proposed CVS Store No. 10288, 717 East Main Street, Palmyra, PA 17078, Palmyra Borough, **Lebanon County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, York, PA 17406, on behalf of J.C. Bar Development, LLC, 415 Fallowfield Road, Camp Hill, PA 17011, submitted a Final Report concerning remediation of site soils contaminated with gasoline released from an underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Former Armstrong Environmental Services Facility, 205 Greenfield Road, Lancaster, PA, East Lampeter Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of 205 Greenfield Road LLP, 5 Holland Street, Salunga, PA 17538, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The combined report/plan is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

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:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

RH Crawford, Inc., Diesel Fuel Release, 6475 York Road, Spring Grove, PA 17362, Heidelberg Township, **York County**. Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 1711, on behalf of RH Crawford, Inc., 341 Moulstown Road,

Hanover, PA 17331, and Phillip A. and Lora A. Stambaugh, 6475 York Road, Spring Grove, PA 17362, submitted a Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons in a vehicle accident. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on May 23, 2014.

Quarryville Wastewater Treatment Plant, 2350 Old Road, New Providence, PA, Providence Township, **Lancaster County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Quarryville Borough Municipal Authority, 300 Saint Catherine Street, Quarryville, PA 17566, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on May 27, 2014.

Geraldine Ronan Rental Property, 729 Petersburg Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Geraldine Ronan, 759 Petersburg Road, Carlisle, PA 17015, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of a combination of Residential Statewide Health and Site Specific Standards, and was approved by the Department on May 27, 2014.

York Northwest Triangle, parcel bounded by Philadelphia Street, Codorus Creek, North George Street, and North Street, City of York, **York County**. ARM Group, Inc., PO Box 797, Hershey, PA 17033-0797, on behalf of City of York Redevelopment Authority, 49 East Market Street, York, PA 17401, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with inorganics and petroleum hydrocarbons. The combined Report demonstrated attainment of the Statewide Health and Site Specific Standards, and was approved by the Department on May 29, 2014.

PREIT / Logan Valley Mall, Plank Road and Goods Lane, Altoona, PA 16602, Logan Township, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of PREIT, 5580 Goods Lane, Suite 1, Altoona, PA 16602, submitted a Remedial Investigation Report, Risk Assessment Report, and Final Report concerning remediation of site soils contaminated with petroleum hydrocarbons, PAHs, and lead. The Reports demonstrated attainment of the Nonresidential Site Specific Standard, and were approved by the Department on May 29, 2014.

4415, 4419 & 4421 East Prospect Road, York, PA 17406, Lower Windsor Township, **York County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Republic Services of PA, LLC, 4400 Mount Pisgah Road, York, PA 17406 and John J II and Barbara S. Bowser, 4415 East Prospect Road, York, PA 17406, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on May 29, 2014.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Quality Components—Daguscahonda Plant, 103 Bridge Street, Ridgway Township, **Elk County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of CMSJLP, LLC., 5038 Bakerstown Road, Gibsonia, PA 15044, submitted a Remedial Investigation /Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with Trichloroethene, cis-1,2-dichloroethene, 1,1-dichloroethene, vinyl chloride, and 1,1,1-trichloroethane. The Report was approved by the Department on May 23, 2014.

All American Hose, Inc. (6424 West Ridge Road), 6424 West Ridge Road, Fairview Township, **Erie County**. AECOM Technical Services, Inc., Gulf Tower, 700 Grant Street, Suite 500, Pittsburgh, PA 15219, on behalf of Parker Hannifin Corporation, 6035 Parkland Boulevard, Cleveland, OH 44124 and All-American Hose, LLC., 217 Titusville Road, Union City, PA 16438, submitted a Final Report concerning the remediation of site soil contaminated with Acetone, Benzene, Chloromethane, Ethyl Benzene, Toulene, 1,2,4-trichlorobenzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, Xylenes, Benzo[b]fluoranthene, Fluoranthene, Arsenic, Cadmium, Barium, Chromium, Lead and site groundwater contaminated with Tetrachloroethene and Barium. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on May 23, 2014.

Honeywell Farmers Valley Wax Plant Main (Main Plant Area Farmers Valley Wax Plant), Keating Township, **McKean County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876 on behalf of Pennzoil-Quaker State Company, 700 Milam, Houston, TX 77002 has submitted a Cleanup Plan concerning the remediation of site soil contaminated by petroleum refining substances including but not limited to 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Benzene, Ethylbenzene, Toluene, Iron, Arsenic and site groundwater contaminated by petroleum refining substances including but not limited to Iron, Manganese, Arsenic, Aluminum, 1,2,4-Trimethylbenzene, Benzene, bis[2-ethylhexyl]phthalate, Cobalt, Lead, Methyl tert-butyl ether, 1,3,5-Trimethylbenzene, Ethylbenzene, Naphthalene, Toluene, Xylenes Total. The Plan was approved by the Department on May 23, 2014.

Southwest Region: Environmental Cleanup & Brown-field Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Sheepskin Rail Trail (Former B&O/CSX Transportation-Railroad Bed and Right of Way), Point Marion Borough & Springhill Townships, **Fayette County**. Triad Engineering Inc., 219 Hartman Run Road, Morgantown, WV 26507 on behalf of Fayette County, 61 East Main Street, Uniontown, PA 15401 submitted Remedial Investigation and Risk Assessment Reports concerning the remediation of site soils contaminated with polynuclear aromatic hydrocarbons (PAHs), Arsenic, and Lead. The Remedial Investigation and Risk Assessment Reports were approved by the Department on May 14, 2014.

Dorothy Julian Residence, 1000 Quarry Street, Gallitzin Borough, **Cambria County**. Mountain Research, LLC., 825 25th Street, Altoona, PA 16601 on behalf of Dorothy Julian, 1000 Quarry Street, Gallitzin, PA 16641 submitted a Final Report concerning remediation of site soils contaminated with (1,2,4) & (1,3,5)-Trimethylbenzene and Naphthalene. The final report demonstrated

attainment of the residential Statewide Health standard for soils and was approved by the Department on May 30, 2014.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Issued

Waste Management of PA, Inc., 625 Cherrington Parkway, Coraopolis, PA 15108. License No. PA-AH 0813. Effective March 24, 2014.

Terra Contracting Services, LLC., 5787 Stadium Drive, Kalamazoo, MI 49009. License No. PA-AH 0814. Effective May 7, 2014.

Hazardous Waste Transporter License Renewed

A & D Environmental Services (SC), LLC., 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective February 24, 2014.

Smith Systems Transportation, Inc., P. O. Box 2455, Scottsbluff, NE 69361. License No. PA-AH 0654. Effective February 24, 2014.

Bestrans, Inc., 19 Davidson Lane, New Castle, DE 19720. License No. PA-AH 0766. Effective February 24, 2014.

Duquesne Light Company, Const Coord & Underground, 2645 New Beaver Avenue, Pittsburgh, PA 15233. License No. PA-AH 0462. Effective February 24, 2014.

R.E.D. Technologies, LLC., 10 Northwood Drive, Bloomfield, CT 06002. License No. PA-AH 0772. Effective March 6, 2014.

Univ USA, Inc., 202 Oakdale Road, Jamestown, NC 27282-9201. License No. PA-AH 0334. Effective March 10, 2014.

Lewis Environmental, Inc., P. O. Box 639, Royersford, PA 19468. License No. PA-AH 0591. Effective March 10, 2014.

Environmental Products & Services Of Vermont, Inc., P. O. Box 315, Syracuse, NY 13209. License No. PA-AH 0748. Effective March 11, 2014.

Sunpro, Inc., 7640 Whipple Avenue NW, North Canton, OH 44720. License No. PA-AH 0659. Effective March 11, 2014.

Gemchem, Inc., P. O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective March 31, 2014.

IWT Transport, Inc., 306 Ramapo Valley Road, Suite 2, Oakland, NJ 07346. License No. PA-AH 0798. Effective April 1, 2014.

Stericycle Specialty Waste Solutions, Inc., 4300 Pottsville Pike, Reading, PA 19605. License No. PA-AH 0770. Effective April 9, 2014.

Waste Management of West Virginia, Inc., 1488 Dawson Drive, Suite 102, Bridgeport, WV 26330. License No. PA-AH 0795. Effective April 9, 2014.

Tradebe Treatment and Recycling Northeast, LLC., 47 Gracey Avenue, Meriden, CT 06451. License No. PA-AH 0378. Effective April 10, 2014.

EAP Industries, Inc., P. O. Box 275, 1575 Smith Township State Road Route 18, Atlasburg, PA 15004. License No. PA-AH 0660. Effective April 11, 2014.

Thunderbird Trucking, LLC., 4343 Kennedy Avenue, East Chicago, IN 46312. License No. PA-AH 0745. Effective April 10, 2014.

U.S. Industrial Technologies, Inc., 13075 Newburgh Road, Livonia, MI 48150. License No. PA-AH 0747. Effective April 17, 2014.

Clean Earth of North Jersey, Inc., 115 Jacobus Avenue, South Kearny, NJ 07032. License No. PA-AH 0797. Effective April 23, 2014.

Moran Environmental Recovery, LLC., 75 D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective April 24, 2014.

Safety-Kleen Canada, Inc., P. O. Box 9149, Norwell, MA 02061-9149. License No. PA-AH 0517. Effective April 30, 2014.

R&R Trucking, Inc., 302 Thunder Road, P. O. Box 545, Duenweg, MO 64841. License No. PA-AH 0592. Effective May 9, 2014.

S & C Transport, Inc., 480 North Canton Center Road, P. O. Box 871607, Canton, MI 48187. License No. PA-AH 0446. Effective May 9, 2014.

G. Tresch Transportation, Inc., 630 South Evergreen Avenue, Woodbury, NJ 08097. License No. PA-AH 0380. Effective May 16, 2014.

David J. Winning Company, 5610 Aiken Road, Mckeese Rocks, PA 15136. License No. PA-AH S100. Effective May 16, 2014.

Radiac Research Corporation, 261 Kent Avenue, Brooklyn, NY 11211. License No. PA-AH S007. Effective May 16, 2014.

Advanced Waste Carriers, Inc., 1126 South 70th Street, Suite N408B, West Allis, WI 53214. License No. PA-AH 0742. Effective May 19, 2014.

OP-Tech Environmental Services, Inc., 1 Adler Drive, East Syracuse, NY 13057. License No. PA-AH 0599. Effective May 20, 2014.

Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Voluntarily Terminated

Baltimore Tank Lines, Inc., P. O. Box 1028, Glen Burnie, MD 21060-1028. License No. PA-AH 0458. Effective May 31, 2014.

Hazardous Waste Transporter License Expired

Dalmatian Transportation, Ltd., P. O. Box 926, Hebron, OH 46025. License No. PA-AH 0740. Effective March 31, 2014.

Price Trucking Corporation, 67 Beacon Street, Buffalo, NY 14220. License No. PA-AH 0371. Effective March 31, 2014.

Berner Trucking, Inc., P. O. Box 660, Dover, OH 44622. License No. PA-AH 0382. Effective March 31, 2014.

E.I. Dupont de Nemours and Company, Experimental Station, P. O. Box 80249, Wilmington, DE 19880-0249. License No. PA-AH S227. Effective April 30, 2014

ETC Logistics, LLC, P. O. Box 462, Parkman, OH 44080. License No. PA-AH 0688. Effective April 30, 2014.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Infectious and Chemotherapeutic Waste Transporter License Renewed

Orchard Hill Memorial Park, Inc., 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Effective February 24, 2014.

Environmental Products & Services of Vermont, Inc., 532 State Fair Blvd, Syracuse, NY 13204. License No. PA-HC 0238. Effective March 11, 2014.

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067. License No. PA-HC 0219. Effective March 13, 2014.

Med-Flex, Inc., P. O. Box 357, Hainesport, NJ 08036. License No. PA-HC 0207. Effective April 15, 2014.

Med Waste Management LLC, 1860 52nd Street, Suite 1E, Brooklyn, NY 11204. License No. PA-HC 0242. Effective May 1, 2024.

Advant-Edge Solutions of Middle Atlantic, Inc., 1 Shea Way, Newark, DE 19713. License No. PA-HC 0220. Effective May 7, 2014.

Accu Medical Waste Service, Inc., P. O. Box 797, Marietta, OH 45750. License No. PA-HC 0252. Effective May 27, 2014.

Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated

Veterinary Crematory Services LLC, dba Evercare Veterinary Crematory Services, 387 Nina Way, Warminster, PA 18974. License No. PA-HC 0251. Effective March 20, 2014.

Infectious and Chemotherapeutic Waste Transporter License Expired

Med Waste Management, 1860 52nd Street, Suite 1e, Brooklyn, NY 11204. License No. PA-HC 0242. Effective March 31, 2014.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

GP3-58-023: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 20, 2014, to construct and operate a Portable Crushing Operation with watersprays at Teel Quarry in Springville Twp., **Susquehanna County**.

GP9-58-007: Meshoppen Stone, Inc. (PO BOX 127, Frantz Road, Meshoppen, PA 18630) on May 20, 2014, to install and operate Diesel I/C engines at Teel Quarry in Springville Twp., **Susquehanna County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP5-08-315A: Talisman Energy USA, Inc. (50 Penwood Place, Warrendale, PA 15086) on May 30, 2014, to construct and operate one 1380 bhp natural-gas-fired Caterpillar model G3516B four-stroke ultra-lean-burn compressor engine (Engine K-1604 P006 Serial JEF00180) equipped with a Miratech model IQ-26-12-EH1 oxidation catalyst to replace the existing identical engine (Engine P006 Serial JEF 00173) under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at their Putnam Compressor Station in Armenia Township, **Bradford County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

30-00196D: Laurel Mountain Midstream Operating, LLC (Park Place 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on May 29, 2014, to construct and operate one (1) 15,252 bhp Solar Mars 100 natural gas-fired turbine, one (1) 600 kWe Capstone C600 natural gas-fired generator turbine, and to remove four (4) 1,380 bhp Caterpillar G3516B natural gas-fired compressor engines from the authorization which were never installed; and continued operation of the previously authorized sources and controls in **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP1-20-034A: Northwest Hardwoods, Inc. (10589 Campbell Road, Titusville, PA 16354) on May 28, 2014, to operate a natural gas fired boiler, Hurst Model No. S4-300-150N (BAQ-GPA/GP-1) in Oil Creek Township, **Crawford County**.

GP4-25-985B: Chase Manufacturing Co. (9 Pennsylvania Avenue, Corry, PA 16407) on May 27, 2014, to operate a burn off oven, Gaspro Model No. 40-24-18 (BAQ-GPA/GP-4) in the City of Corry, **Erie County**.

GP1-42-154A: Bradford Regional Medical Center—Upper Allegheny Health System (116 Interstate Parkway, Bradford, PA 16701) on May 29, 2014, to operate a 20.26 MMBtu/hr natural gas and #2 fuel oil fired boiler (BAQ-GPA/GP-1) in the City of Bradford, **McKean County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

26-00500C: Alpha PA Coal Terminal (158 Portal Road P. O. Box 1020, Waynesburg, PA 15370) on May 29, 2014, to allow an increase in coal throughput at their LaBelle facility in Luzerne Township, **Fayette County**.

65-01017A: Mountain Gathering, LLC (810 Houston Street, Fort Worth, TX 76102) on May 30, 2014, for construction and initial temporary operation of their natural gas compression facility known as the Westmoreland Compressor Station in Fairfield Township, **Westmoreland County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-388A: Thousand Hills, LLC (2 Spring Street, Cranberry, PA 16066) on May 29, 2014, to install: one (1) propane fired large animal crematory rated 400 lbs/hr at their proposed facility in Muddy Creek Township (Portersville), **Butler County**.

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: James Beach, New Source Review Chief—Telephone: 484-250-5920

15-0104D: Tasty Baking Oxford, Inc. (700 Lincoln Street, Oxford, PA 19363) on May 16, 2014, to operate a new bread line to produce loaf bread products in Oxford Borough, **Chester County**.

46-0049A: International Business Systems, Inc. (431 Yerkes Road, King of Prussia, PA 19406) on May 23, 2014, to operate their three (3) heats-set web offset presses in Upper Merion Township, **Montgomery County**.

09-0189B: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on May 28, 2014, for operation of the Nesco wet system in Warrington Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702

05-05027A: CORLE Building Systems (114 Rosemont Lane, Imler, PA 16655) on May 28, 2014, to construct and temporarily operate a surface coating system, including four paint spray booths along with support facilities for paint mixing and handling, for finishing metal building panels at the facility in King Township, **Bedford County**. The plan approval was extended, with a compliance schedule.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

14-00002H: Graymont (PA), Inc. (965 E. College Ave., Pleasant Gap, PA 16823) on May 27, 2014, to extend the authorization an additional 180 days from June 14, 2014 to December 11, 2014, in order to permit operation pending issuance of an operating permit for the source and continue the compliance demonstration evaluation. Plan Approval 14-00002H is for the scrubber equipped on the rotary kiln, Kiln No. 7, which is located at the Pleasant Gap Plant in Spring Township, **Centre County**. 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

11-00423A: Johnstown Wire Technologies, Inc. (124 Laurel Avenue, Johnstown, **Cambria County**, PA 15906-2246) on May 30, 2014, for a Plan Approval Extension issuance effective June 17, 2014, to improve the plenum efficiency by upgrading fans at their New Cleaning House at Johnstown Wire Plant in Johnstown Township, Cambria County. The plan approval has been extended.

Title V Operating Permits Issued 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, Regional Air Quality Manager, Telephone: 717-705-4702.

38-05035: PPL Renewable Energy LLC (Two North Ninth Street, GENPL2, Allentown, PA 18101-1105) on May 27, 2014, for their landfill gas-to-energy facility associated with the Greater Lebanon Landfill in North Annville Township, **Lebanon County**. The Title V permit was renewed.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

03-00060: Allegheny Ludlum, LLC (100 River Road, Brackenridge, PA 15014) on May 27, 2014, to issue a Title V Operating Permit renewal (TVOP-03-00060) to Allegheny Ludlum, LLC to operate their Bagdad Facility in Leechburg Borough, **Armstrong County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

25-00923: Erie Power LLC (C/O Ozado Partners, Tower 56, 126 East 56th Street, 16th Floor, New York, NY

10022) on May 28, 2014, issued an administrative amendment to the Title V Operating Permit to change the ownership, responsible official, and permit contact for the North East Cogeneration Plant in North East Township, **Erie County**.

61-00004: Electralloy, G. O. Carlson, Inc., Co. (175 Main Street, Oil City, PA 16301) on May 30, 2014, to renew the Title V Permit for their melting operations for specialty stainless steel and nickel alloys in Oil City, **Venango County**. The primary emission sources at the facility include an Electric Arc Furnace, 2 Argon-Oxygen Decarburization vessels, a tumbleblast operation, 2 Electroslag Remelt furnaces, 8 annealing furnaces, a parts washer, and natural gas combustion sources. The facility is a major facility due to its potential to emit PM, CO, and VOC. Maximum Potential Emissions for the facility are calculated as follows: PM, 522.36 tpy; NO_x, 86.34 tpy; SO_x, 28.59 tpy; CO, 271.63 tpy; VOC, 70.15 tpy; and total combined HAPs, 4.56 tpy. Actual 2012 CO₂e emissions were 14,697 tpy. This facility is subject to 40 CFR Part 63 Subpart Yyyy, the NESHAP for Area source Electric Arc Furnace Steelmaking Facilities. The conditions of the previous plan approvals and operating permit are incorporated into the renewal permit.

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

46-00166: Harleysville Materials, LLC (460 Indian Creek Road, Harleysville, PA 19438) on May 29, 2014, for renewal of a State Only Operating Permit (synthetic minor) in Lower Salford Township, **Montgomery County**. Harleysville Materials operates a quarry using various crushers, screeners, and conveyors, and leases operation of a batch asphalt plant to Independence Construction Materials (ICM). This renewal will incorporate the requirements of general permits GP3-46-0098 and GP9-46-00053. The permit will include monitoring, record keeping and reporting requirements designed to address 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

45-00027: Pleasant Valley School District—Polk Township Elementary School (Route 209, Brodheads-ville, PA 18322) on May 29, 2014 for operation of elementary and secondary schools in Polk Township, **Monroe County**. The primary sources consist of one (1) coal fired boiler and one (1) #2 oil fired boiler. A regenerative centrifugal cyclone is used for a control device for the sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

45-00011: Pleasant Valley School District, Pleasant Valley High and Middle Schools (Route 209, Brod-

headsville, PA 18322) on May 29, 2014, for operation of elementary and secondary schools in Chestnuthill Township, **Monroe County**. The primary sources consist of two (2) coal fired boilers and one (1) #2 oil fired boiler. Regenerative centrifugal cyclones are used for control devices for the sources. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), particulate matter (PM₁₀), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

48-00064: Ungerer and Co. (110 North Commerce Way, Bethlehem, PA 18017-8932) on May 28, 2014, issued a renewal State Only Operating Permit for a flavoring syrup and concentrate manufacturing facility in Hanover Township, **Northampton County**.

35-00057: Finch Hill Vet Clinic (436 Route 106, Greenfield Township, PA 18407-3904) on May 28, 2014, issued a renewal State Only Operating Permit for a facility in Greenfield Township, **Lackawanna 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, Regional Air Quality Manager, Telephone: 717-705-4702.

36-03078: HP Acquisition Corp. (1780 Rohrerstown Road, Lancaster, PA 17601-2320) on May 21, 2014, for their customized metal foil manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

36-05076: Lancaster General Hospital (555 N. Duke Street, PO Box 3555, Lancaster, PA 17604-3555) on May 21, 2014, for their hospital facility in Lancaster City, **Lancaster County**. The State-only permit was renewed.

22-03002: Philadelphia Macaroni Co. (523 S. 17th Street, Harrisburg, PA 17104-2220) on May 29, 2014, for their pasta manufacturing facility in Harrisburg City, **Dauphin 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

12-00004: GE Transportation (55 South Pine Street, Emporium, PA 15834-1529) on May 20, 2014, issued a state only operating permit for their Emporium facility in Emporium Borough, **Cameron County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00636: McGrew Welding & Fabricating, Inc.—Donora Site (30 S. Washington St., Donora, PA, 15033) On May 29, 2014 the Department issued a renewal Natural Minor State Only Operating Permit for the operation of a surface coating operation, a conveyor system, barge unloading, coal storage piles, sand/gravel storage piles, paved/unpaved roads and material handling/truck unloading at this facility located in the borough of Donora, **Washington County**. The facility is

subject to the applicable requirements of Pa Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

11-00283: Portage Area School District (84 Mountain Ave., Portage, PA, 15946-1809) On May 29, 2014 the Department issued a renewal Synthetic Minor State Only Operating Permit for the operation of a 9.1 mmbtu/hr tri-fuel boiler which burns primarily coal, two natural gas-fired boilers rated at 6.75 mmbtu/hr each, two natural gas-fired boilers rated at 2.5 mmbtu/hr each, and two natural gas-fired emergency generators at the Portage Area Elementary/Junior-Senior High School in Portage Borough, **Cambria County**. The facility is subject to the applicable requirements of Pa. Code Title 25 Chapters 121 through 145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

63-00646: Ritchey Metals Company, Inc. (30 Georgetown Road, Canonsburg PA 15317) on May 30, 2014 a State Only Operating Permit (SOOP) renewal to Ritchey Metals Company to authorize the continued operation of an Aluminum and Zinc based alloys manufacturing facility located in the Cecil Township, **Washington County**.

04-00034: Valspar Coatings / Rochester Plant (372 Cleveland Street, Rochester, PA 15074) on June 2, 2014, the Department issued a Synthetic Minor State Only Operating Permit renewal for the chemical manufacturing of coatings/paints located Rochester Township, **Beaver County**. The subject facility consists of three boilers, batch processing, cleanup solvents, solvent reclaim process, and ~71 storage tanks. The facility is limited to a throughput of 30,000,000 gallons per any consecutive 12-month period. The facility's potential emissions are calculated to be 37.14 tpy NO_x, 11.14 tpy CO, 0.08 tpy SO_x, 49.50 tpy VOC, 9.5 tpy (Toulene) HAP / 24.5 tpy (all combined) HAPs, 1.60 tpy PM, and 1.60 tpy PM₁₀. The facility is required to perform weekly visual inspections of the site. The facility is required to maintain monthly records of total paints and coatings produced. The condenser outlet temperatures must be recorded on a continuous chart recorder for each batch operation. The proposed authorization is subject to State and Federal Regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

10-00171: Butler Color Press (PO Box 31, 119 Bonnie Drive, Butler PA 16003-0031) on May 28, 2014, issued a renewal of the State Only Synthetic Minor Operating Permit for the facility in the City of Butler, **Butler County**. The facility prints circulars and advertisements for newspapers. The primary processes at the facility are space heaters, Line 900 Print Line & Dryer, Line 450 Print Line & Dryer, Web Offset Lithograph Pressline 700, and clean up solvent use. The VOC emissions from Line 900 are controlled by a catalytic oxidizer. Line 450 is controlled by a thermal oxidizer. Pressline 700 is controlled by an afterburner. The plant-wide VOC emissions are limited to 49.9 TPY. The facility individual HAP emissions are limited to 9.9 TPY and the combined HAP emissions are limited to 24.9 TPY.

10-00326: Oesterling Sandblasting & Painting, Inc. (686 Glenwood Way, Butler, PA 16001-8422) on May 29, 2014, renewed a State Only Operating Permit for their facility in Center Township, **Butler County**. The facility is a Synthetic Minor. The primary sources at the facility include abrasive blasting operations, 5 paint booths for spray painting, and natural gas fueled space heaters. The permit includes a federally enforceable restriction on VOC emissions not to exceed 20 tons per year; and it contains federally enforceable restrictions on any single HAP to less than 10 tpy and all combined HAPs to less than 25 tpy. The permit renewal contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00648: NEPA Energy LP (139 South Lake Street Northeast, PA 16428-3828) on May 29, 2014, issued a renewal of the State Only Operating Permit for the facility in North East Township, **Erie County**. The primary sources covered by the Synthetic Minor Operating Permit are the ABCO boiler and the Auxiliary (Zurn) boiler, a parts cleaner, and an emergency diesel fire pump compressor engine. The steam from the boilers is used for the processing of grapes and juices by Welch's. The boilers are each rated at 99 MMBTU/hr and fire only natural gas fuel. The permit contains a site-wide restriction on the NO_x and CO emissions of 61.22 TPY and 64.64 TPY, respectively. The permittee is required to conduct emission testing for each of the boilers every five years and must keep the hours of operation and the amount of natural gas used by each boiler to demonstrate compliance with the site-wide emission restrictions. The emergency diesel fire pump compressor engine is subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines and must comply with the work practice requirements (oil and filter changes, air filter maintenance and hose / belt maintenance identified in Subpart ZZZZ) as well as restrict operation to less than 50 hours per year for maintenance purposes. The applicable requirements of this Subpart have been included in the renewal permit.

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.

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, Regional Air Quality Manager, Telephone: 717-705-4702.

67-05136: Wellspan York Hospital (1001 S. George Street, PO Box 15198, York, PA 17405-7198) on May 30, 2014, for their hospital facility in York City, **York County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 67-03125A.

07-03036: Forsht Products, Inc. (787 Forsht Lane, Altoona, PA 16601-7112) on May 22, 2014, for their human crematory facility in Logan Township, **Blair County**. The State-only permit was administratively amended to reflect a change of ownership.

29-03008: Bluegrass Materials Co., LLC (10000 Beaver Dam Road, Cockeysville, MD 21030-2221) on May 22, 2014, for their limestone crushing facility in Bethel

Township, **Fulton County**. The State-only permit was administratively amended to reflect a change of ownership.

36-03171A: York Building Products Co., Inc. (828 East Earl Road, New Holland, PA 17557) on May 28, 2014, for their concrete plant in East Earl Township, **Lancaster County**. The State-only permit was administratively amended to reflect a change of ownership.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

25-00918: MMC Sterilization Services Group (2205 East 33rd Street, Erie, PA 16510) on May 22, 2014, issued an administrative amendment to the State Only Operating Permit for their facility in the City of Erie, **Erie County**. The amendment incorporates the change of the permit contact.

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 Issued

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

56841606 and NPDES No. PA0110507 and GP12-56841606-R6. Brothersvalley Coal Sales, Inc., (3070 Stoystown Road, Stoystown, PA 15563). To renew the permit for the Scurfield Coal Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit. Approval is authorized under General Permit BAQ-GAP/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-56841606-R6. No additional discharges. The application was considered administratively complete on July 6, 2012. Application received November 17, 2011. Permit issued May 21, 2014.

32061301 and NPDES No. PA0235679. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Starford Mine in Green Township, **Indiana County** to add 744 subsidence control plan acres to the Middle Kittanning coal seam. Subsidence Control Plan Acres Proposed 744.0. No additional discharges. The application was considered administratively complete on January 6, 2014. Application received November 5, 2013. Permit issued May 22, 2014.

30830701 and NPDES No. PA0214124. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To transfer the permit and related NPDES permit for the Dilworth Rock Disposal Area in Cumberland Township, **Greene County** from Consolidation Coal Company to Consol Mining Company LLC. No additional discharges. The application was considered administratively complete on January 27, 2014. Application received January 6, 2014. Permit issued May 27, 2014.

63141301 (formerly 63851702) and NPDES No. PA0215431. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To transfer the permit and related NPDES permit for the Westland Mine in Chartiers Township, **Washington County** from Consolidation Coal Company to Consol Mining Company LLC. No additional discharges. The application was considered administratively complete on January 27, 2014. Application received January 6, 2014. Permit issued May 27, 2014.

03813704 and NPDES No. PA0002283. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To transfer the permit and related NPDES permit for the Keystone No. 1 Coal Refuse Disposal Area in Plumcreek Township, **Armstrong County** from Keystone Coal Mining Corporation to Consol Mining Company LLC. No additional discharges. The application was considered administratively complete on January 27, 2014. Application received January 6, 2014. Permit issued May 27, 2014.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1525 Pleasant Grove Rd., PO Box J, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit to construct an access road for the Crabapple Slope Facility. Surface Acres Proposed 0.2. No additional discharges. The application was considered administratively complete on January 8, 2014. Application received November 6, 2013. Permit issued May 22, 2014.

32011302 and NPDES No. PA0235521. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Gillhouser Run Deep Mine in Brush Valley and Buffington Townships, **Indiana County** to add acreage to the underground permit boundary and subsidence control plan area. Underground Acres Proposed 711.2, Subsidence Control Plan Acres Proposed 713.7. No additional discharges. The application was considered administratively complete on August 5, 2013. Application received May 31, 2013. Permit issued May 27, 2014.

65130702 and NPDES No. PA0214116. Consol Mining Company LLC, (CNX Center, 1000 Consol Energy Drive, Canonsburg, PA 15317). To transfer the permit and related NPDES permit for the Hutchinson AMD Plant in Sewickley Township, **Westmoreland County** from Consolidation Coal Company to Consol Mining Company LLC. No additional discharges. The application was considered administratively complete on January 27, 2014. Application received January 6, 2014. Permit issued May 28, 2014.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63080103 and NPDES Permit No. PA0251445. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit renewal issued for reclamation only to an existing bituminous surface mine,

located in Somerset and Fallowfield Townships, **Washington County**, affecting 224 acres. Receiving streams: unnamed tributaries to North Branch Pigeon Creek and Pigeon Creek. Application received: December 4, 2013. Permit issued: May 27, 2014.

03950113 and NPDES Permit No. PA0201529. Britt Energies, Inc. (2450 Philadelphia Street, Indiana, PA 15701). Revision permit issued to add auger mining to an existing bituminous surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 93 acres. Receiving streams: unnamed tributary to Crooked Creek and Crooked Creek. Application received: July 16, 2013. Permit issued: May 28, 2014.

65980105 and NPDES Permit No. PA0202363. Gary Gioia Coal Co. (319 Karen Drive, Elizabeth, PA 15037). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Rostraver Township, **Westmoreland County**, affecting 28.8 acres. Receiving stream: unnamed tributary to Monongahela River. Application received: February 7, 2014. Permit issued: May 29, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 54061302R and NPDES Permit No. PA0224341. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), renewal of an existing anthracite underground mine operation for reclamation activities only and perpetual discharge treatment in Porter Township, **Schuylkill County** affecting 61.3 acres, receiving stream: Wiconisco Creek. Application received: October 9, 2012. Renewal issued: May 28, 2014.

Permit No. 49773204C11. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), addition of surface mine and a boundary correction of an existing anthracite coal refuse reprocessing, refuse disposal and coal preparation plant operation in Mt. Carmel, Conyngham and Butler Townships, **Northumberland, Luzerne and Schuylkill Counties** affecting 958.0 acres, receiving stream: unnamed tributary to Mahanoy Creek. Application received: June 27, 2013. Permit issued: May 29, 2014.

Permit No. 49773204GP104. Gilberton Coal Company, (10 Gilberton Road, Gilberton, PA 17934), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49773204 in Mt. Carmel, Conyngham and Butler Townships, **Northumberland, Luzerne and Schuylkill Counties**, receiving stream: unnamed tributary to Mahanoy Creek. Application received: June 27, 2013. Permit issued: May 29, 2014.

Noncoal Permits Issued

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03020402 and NPDES Permit No. PA0250406. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201). NPDES permit renewal issued for continued mining to an existing large noncoal surface mine, located in West Franklin Township, **Armstrong County**, affecting 160.8 acres. Receiving stream: unnamed tributary to Buffalo Creek. Application received: October 30, 2013. Permit issued: May 29, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17142801. Monty L. Bloom (1573 Wallaceton Road, Morrisdale, PA 16858). Commencement, operation and restoration of a small noncoal (topsoil) mine operation in Morris Township, **Clearfield County** affecting 2.06 acres. Receiving stream(s): Flat Run to Alder Run. Application received: April 1, 2014. Permit issued: May 29, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 58110801 and NPDES Permit No. PA0225380. Ted Kazmierczak, (1000 Union Street, Taylor, PA 18517), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Wellmans Creek. Application received: December 12, 2011. Permit issued: May 30, 2014.

Primacy Bond Forfeiture Project

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, Telephone (814) 472-1908

Primacy Bond Forfeiture Project: PBF 05773002.1
Location: Broad Top Township, Bedford County
Description: Black Dog Mining, Inc.
Contractor: Miller Excavating, LLC, 529 Bridge Street, Rockwood, PA 15557
Amount: \$350,500.00
Date of Award: May 23, 2014

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 Issued

Greensburg District Mining Office: Armbrust Professional Center; 8205 Route 819, Greensburg, PA 15601, 724-925-5500

30144102. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the EQT Halo Compressor Station, located in Center Township, **Greene County** with an exploration date of December 31, 2014. Blasting permit issued: May 27, 2014.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

08144103. DW Drilling & Blasting LLC (9990 Coconut Rd, Bonita Springs, FL 34135-8488). Blasting for gas pad construction located in Tuscarora Township, **Bradford County** with an expiration date of May 21, 2015. Permit issued May 27, 2014.

08144104. Meshoppen Blasting, Inc. (Frantz Rd, PO Box 127, Meshoppen, PA 18630). Blasting for well pad and access road located in Herrick Township, **Bradford County** with an expiration date of August 31, 2014. Permit issued May 27, 2014.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

Permit No. 09144104. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting

for Pennland Farms in Bedminster Township, **Bucks County** with an expiration date of May 25, 2015. Permit issued: May 28, 2014.

Permit No. 15144104. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Senior Housing at Eagleview in Uwchlan Township, **Chester County** with an expiration date of May 21, 2015. Permit issued: May 28, 2014.

Permit No. 36144124. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Elm Tree Development in Rapho Township, **Lancaster County** with an expiration date of May 22, 2015. Permit issued: May 28, 2014.

Permit No. 58144129. DW Drilling & Blasting, (9990 Coconut Road, Bonita Springs, FL 34135), construction blasting for Butler Gas Pad & Tank Farm in Lathrop Township, **Susquehanna County** with an expiration date of May 12, 2015. Permit issued: May 28, 2014.

Permit No. 58144131. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Anderson Hydration Station in Auburn Township, **Susquehanna County** with an expiration date of June 1, 2015. Permit issued: May 28, 2014.

Permit No. 64144103. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Pocono Reliability Project 1 in Dreher, Paupack, Salem and Sterling Townships, **Wayne County** with an expiration date of May 1, 2015. Permit issued: May 28, 2014.

Permit No. 67144107. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), construction blasting for Delta Ridge in Peach Bottom Township, **York County** with an expiration date of June 1, 2015. Permit issued: May 28, 2014.

Permit No. 36144125. Abel Construction Co., Inc., (PO Box 476, Mountville, PA 17554), Sweetbriar Creek Phase 2 in Penn Township, **Lancaster County** with an expiration date of May 22, 2015. Permit issued: May 29, 2014.

Permit No. 15144105. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Brunner Residence in West Vincent Township, **Chester County** with an expiration date of May 2, 2015. Permit issued: May 30, 2014.

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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law 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.

E45-589. PPL Electric Utilities Corporation, Two North 9th Street, Allentown, PA 18101. Stroud Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a fill area that is approximately 250-foot long by 120-foot wide by 6-foot high within the 100-year floodplain of the Brodhead Creek (HQ-CWF, MF) for the purpose of expanding the PPL North Stroudsburg Substation. The project is located approximately 0.6 mile west of the intersection of Crowe Road and Mill Creek Road (East Stroudsburg, PA Quadrangle Latitude: 41°1'29"; Longitude: -75°12'6"). Subbasin: 1E

E66-157. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512. Tunkhannock Township, **Wyoming County**, Army Corps of Engineers Baltimore District.

To construct and maintain a pedestrian/maintenance road crossing of a Flood Relief Channel located adjacent to and in the floodway of Tunkhannock Creek, consisting of a relocated historic steel lenticular truss bridge having a span of approximately 110 feet and an underclearance of approximately 7 feet. The project is located in Lazy Brook Park, immediately south of the intersection of S.R. 006 and S.R. 092 (Tunkhannock, PA Quadrangle Latitude: 41°33'09"; Longitude: -75°53'52") in Tunkhannock Township, Wyoming County.

E40-750. John and Virginia Bucha, 310 Follies Road, Dallas, PA 18612. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a pile-supported boathouse/dock totaling 2,300 square feet over Harveys Lake (HQ-CWF). The project is located along Lakeside Drive (SR 415) at Pole #52 (Harveys Lake, PA Quadrangle Latitude: 41°22'0"; Longitude: -76°2'23") in Harveys Lake Borough, Luzerne County. Subbasin: 5B.

E40-751. Scott and Stephanie Williams, 42 Payne Lane, Dallas, PA 18612. Dallas Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a road crossing of 0.27 acre of PEM wetlands (EV). The activity is for a private driveway access to residential property. The permittee is required to provide 0.27 acre of replacement wetlands. The project is located on Upper Demunds Road approximately 1.2 miles from its intersection with State Route 309 (Kingston, PA Quadrangle Latitude: 41°21'32"; Longitude: -75°56'54"). Subbasin: 5B

E58-302. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18513. Liberty Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the relocation of approximately 1,100 feet of Snake Creek (CWF, MF) with work consisting of the placement of a rock revetment along the left bank, a rock veneer with R-8 rip rap along the left bank, three (3) double arm rock vanes, and three (3) single arm rock vanes. The project will also be placing coir logs, live stakes and native plantings for the stabilization of the stream banks and floodplain. The relocation of Snake Creek will result in filling 0.13 acre of wetlands and 170-feet of a UNT to Snake Creek. The permittee is required to provide 0.13 acre of replacement wetlands. The project is located at S.R. 0029, Segment 0510, Offset 1158 (Franklin, PA Quadrangle Latitude: 41°59'28"; Longitude: -76°47'59") in Liberty Township, Susquehanna County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-587: Union Deposit Corporation, 750 East Park Drive, Harrisburg, PA 17111 in Lower Paxton and Susquehanna Townships, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District

To relocate and maintain: 1.) 1,142 linear feet of an unnamed tributary to Paxton Creek (WWF, MF); and 2.) place and maintain fill in 0.46 acre of Palustrine Emergent wetlands, all for the purpose of constructing a proposed retail store. The project is located near the intersection of Caughey Drive and Valley Road (Latitude: 40°18'17.6", Longitude: -76°50'16.5") in Lower Paxton Township and Susquehanna Township, Dauphin County. To compensate for the wetland impacts, the permittee proposes to create 0.57 acre of wetlands onsite. The permit was issued on May 30, 2014.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E14-543. University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801. High Purity Water Wetland, in College Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle, 40° 47' 22" N, -77° 42' 7.5" W).

To construct and maintain: 1) 2.8 acres of wetland to receive and buffer high purity recycled water from an 8-inch water line, 2) Two underground stream augmentation vaults with associated limestone armored outfall aprons, in the left and right 100-year floodplain of Slab Cabin Run, located for 600 feet upstream of the East Branch Road and Cliffside Drive intersection in order to discharge a surplus of high purity recycled sewer water to Slab Cabin Run and its riparian water table. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E63-640. William Graziani, 1028 Skyline Drive, Canonsburg, PA 15317; Cecil Township, **Washington County**; ACOE Pittsburgh District.

The applicant has withdrawn a proposal to relocate and maintain approximately 892.0 linear feet of an unnamed tributary to Chartiers Creek (WWF), and to place and maintain fill in approximately 0.288 acre of wetlands, for the purpose of constructing additional lots within the Alto Piano Residential Development. The project area is lo-

cated on the east side of Breezewood Drive, approximately 1,000.0 feet northeast from the intersection of Breezewood Drive and McEwen Avenue (Canonsburg, PA Quadrangle N: 5.6 inches; W: 7.5 inches; Latitude: 40°-16'-51"; Longitude: 80°-10'-44") in Cecil Township, Washington County.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E10-08-003, XTO Energy, Inc., 502 Keystone Drive, Warrendale, PA 15086, Welter to Cypher Temporary Water Pipeline in Clearfield, Donegal, Oakland and Summit Townships, **Butler County**, ACOE Pittsburgh District. (East Butler Quadrangle N: 40° 52' 57.35"; W: -79° 44' 59.84").

The applicant proposes to install approximately 3.2 miles of 12" diameter temporary water pipeline with associated temporary access roads, in Clearfield, Donegal, Oakland and Summit Townships, Butler County. The project will result in 92 linear feet of temporary stream impacts and .048 acre of temporary wetland impacts.

The water obstructions and encroachments for the purposes of installing the temporary water pipeline and associated access roads are described below:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Bonnie Brook (WWF) and its associated floodway, having 8 linear feet of temporary stream impact.	40°53'33.98"N -79°47'4.90"W
2	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .011 acre of temporary wetland impact.	40°53'30.25"N -79°47'6.62"W
3	A 12" diameter temporary water pipeline to be bored under a UNT to Bonnie Brook (WWF) and its associated floodway; having 23 linear feet of temporary stream impacts.	40°52'57.77"N -79°46'51.08"W
4	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Bonnie Brook (WWF) and its associated floodway, having 11 linear feet of temporary stream impact.	40°52' 58.29"N -79°46'32.37"W
5	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-CWF) and its associated floodway, having 12 linear feet of temporary stream impact.	40°52'59.15"N -79°46'9.09"W
6	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-CWF) and its associated floodway consisting of palustrine emergent (PEM); having 16 linear feet of temporary stream impact and .02 acre of temporary wetlands impacts.	40°52'55.23"N -79°45'47.66"W
7	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .008 acre of temporary wetland impact.	40°52'56.04"N -79°45'15.48"W
8	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a palustrine emergent (PEM) wetland, having .004 acre of temporary wetland impact.	40°52'56.10"N -79°45'12.73"W
9	A temporary road crossing of, and a 12" diameter temporary water pipeline to be placed as an aerial crossing over, a UNT to Little Buffalo Run (HQ-CWF) and its associated floodway consisting of palustrine emergent (PEM); having 34 linear feet of temporary stream impact and .006 acre of temporary wetlands impacts.	40°52'56.17"N -79°45'10.29"W

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-071: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 3,591 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 150 linear feet of Level Branch Creek (EV) (Overton, PA Quadrangle 41°33'58"N, 76°32'29"W);

2) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 4,538 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland and 175 linear feet of Kelly Run (EV) (Overton, PA Quadrangle 41°33'53"N, 76°32'11"W);

3) A temporary access road using timber mat bridge and an 8 inch diameter gathering line impacting 18,164 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'46"N, 76°31'19"W).

The project will result in 325 linear feet of temporary stream impacts, 22,702 square feet (0.52 acre) of temporary wetland impacts and 3,591 square feet (0.08 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County. The permittee will provide 0.17 acre of compensatory mitigation at the Wilmot Mitigation Site (Colley, PA Quadrangle 41°36'44"N 76°17'27"W) in Wilmot Township, Bradford 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX14-073-0015—Davis Kester Gathering Pipeline

Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Lawrence Township(s) Pulaski(s)
County Mercer Township(s) Shenango(s)
Receiving Stream(s) and Classification(s) UNT to Deer Creek, UNT to Shenango River, UNT to Turkey Run—WWF, Deer Creek & Shenango River—WWF

ESCGP-1 #ESX14-085-0018
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400

City Houston State TX Zip Code 77002
County Mercer Township(s) Lackawannock(s)
Receiving Stream(s) and Classification(s) UNT to Hartheig Run and Hartheig Run (TSF),
Secondary Receiving Water Neshannock Creek.

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESG13-081-0013 (01)
Applicant Name Anadarko E&P Onshore, LLC
Contact Person Rane Wilson
Address 33 West 3rd Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) McIntyre Township
Receiving Stream(s) and Classification(s) UNTs Frozen Run and Short Run (HQ-CWF/MF);
Secondary: Frozen Run and Grays Run (HQ-CWF/MF)

ESCGP-1 # ESX12-117-0090 (01)
Applicant Name PVR Marcellus Gas Gathering LLC
Contact Person Nicholas Bryan
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Tioga County
Township(s) Liberty Township
Receiving Stream(s) and Classification(s) UNT to Salt Spring Run and Brion Creek/Roaring Branch Basin-Lycoming Creek (HQ, EV, Other CWF/MF)

ESCGP-1 # ESG29-081-14-0017
Applicant Name Pennsylvania General Energy Company, LLC
Contact Person Douglas Kuntz
Address 120 Market Street
City, State, Zip Warren, PA 16365
County Lycoming County
Township(s) McHenry Township
Receiving Stream(s) and Classification(s) Bark Cabin Run (HQ, CWF); UNT Branch (HQ, CWF);
Secondary: Little Pine Creek (HQ, TSF)

ESCGP-1 # ESX29-015-14-0018
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) Smithfield Township
Receiving Stream(s) and Classification(s) West Branch Tomjack Creek (TSF/MF);
Secondary: Tomjack Creek (TSF/MF)

ESCGP-1 # ESX29-117-14-0006
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) Rutland Township
Receiving Stream(s) and Classification(s) UNT to Elk Run/Elk Run and Mill Creek (TSF/MF);
Secondary: Tioga River

ESCGP-1 # ESG29-081-14-0012
Applicant Name Inflection Energy, LLC
Contact Person Thomas Gillespie
Address 416 Pine Street
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Eldred and Loyalsock Townships
Receiving Stream(s) and Classification(s) UNTs to Mill Creek and Mill Creek (TSF);
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESG29-113-14-0008
 Applicant Name Chief Oil & Gas, LLC
 Contact Person Jeffrey Deegan
 Address 6051 Wallace Road
 City, State, Zip Wexford, PA 15090
 County Sullivan County
 Township(s) Fox Township
 Receiving Stream(s) and Classification(s) Hoagland
 Branch (HQ-CWF, MF, EV, NR);
 Secondary: Porter Creek

ESCGP-1 # ESG29-015-14-0013
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford County
 Township(s) Overton Township
 Receiving Stream(s) and Classification(s) Lick Creek
 (EV)(CWF/MF); Loyalsock Creek (EV-CWF/MF)

ESCGP-1 # ESX29-115-14-0049
 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) Baker Creek
 (CWF/MF)

ESCGP-1 # ESM09-081-0013 (01)
 Applicant Name XTO Energy, Inc.
 Contact Person Stacey Vehovic
 Address 395 Airport Road
 City, State, Zip Indiana, PA 15701
 County Lycoming County
 Township(s) Shrewsbury Township
 Receiving Stream(s) and Classification(s) Roaring Run
 (EV);
 Secondary: Bushy Run
*Southwest Region: Oil & Gas Program Mgr. 400 Water-
 front Dr. Pittsburgh PA*

ESCGP-2 No: ESX13-003-0014
 Applicant Name: CONE Gathering LLC
 Contact Person Ms Tara Meek
 Address: 200 Evergreene Drive

City: Waynesburg State: PA Zip Code: 15370
 County: Allegheny Township: Findlay
 Receiving Stream (s) And Classifications: McClarens Run,
 tributaries to McClarens Run, Montour Run, tributaries
 to Montour Run, North Fork Montour Run, tributaries
 to North Fork Montour Run/Ohio River Watershed—see
 Appendix A for additional receiving waters; Other Trout
 stocked Fisheries (TSF) Siltation-Impaired

ESCGP-2 No.: ESX14-059-0021
 Applicant Name: Energy Corporation of America
 Contact Person: Mr Travis Wendel
 Address: 101 Heritage Run Road Suite 1
 City: Indiana State: PA Zip Code: 15701
 County: Greene Township(s): Jefferson
 Receiving Stream(s) and Classifications: Tributary 40334
 & 40337 to South Fork Tenmile Creek, Eaton Hollow, &
 UNT 1 to Eaton Hollow / Lower Monongahela Water-
 shed; Other WWF

ESCGP-2 No.: ESX13-003-0012
 Applicant Name: CONE Gathering LLC
 Contact Person: Ms Tara Meek
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Allegheny Township(s): Findlay
 Receiving Stream(s) and Classifications: Raredon Run,
 tributaries to Raredon Run, Montour Run, tributaries
 to Montour Run/Ohio River Watershed—see Appendix
 for additional receiving waters; Other Warm Water
 Fisheries (WWF), Trout Stocking Fisheries (TSF);
 Siltation-Impaired

ESCGP-2 No.: ESX10-125-0078
 Applicant Name: CNX Gas Company LLC
 Contact Person: Ms Tara Meek
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Washington Township(s): North Franklin /
 South Franklin
 Receiving Stream(s) and Classifications: Fork of
 Bane Creek (Trout Stock Fishery, TSF); Tributary
 to Chartiers Creek (Warm Water Fishery, WWF)
 Reservoir Number 4 High Quality-Warm Water
 Fishery (HQ-WWF); Other Warm Water Fisheries
 (WWF) and Trout stocked Fisheries (TSF); Siltation-
 Impaired

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of May 2014 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

Name	Address	Type of Certification
Robert Beattie	851 Bangor Rd. Nazareth, PA 18064	Testing
Patrick Borkowski	PO Box 63827 Philadelphia, PA 19147	Testing
Nathaniel Burden	626 Jacksonville Rd., Ste. 200 Warminster, PA 18974	Mitigation
Robert Corcia	309 Grouse Run Cresco, PA 18326	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Jason Cramer	1580 Quarry Dr. Bethlehem, PA 18050	Testing
Victor Delfi	1923 Hawk Dr. Stroudsburg, PA 18360	Testing
Gary Drenning	PO Box 237 Hollidaysburg, PA 16648	Testing
Enviroquest, Inc.	1738 N. 3rd St., Ste. A Harrisburg, PA 17102	Mitigation
Paul Fletcher Alpha Energy Laboratories	2501 Mayes Rd. Ste. 100 Carrollton, TX 75006	Laboratory Analysis
Adam Ginocchi	407 Jenny Ln. New Castle, PA 16101	Testing
Bryan Griest	128 Boyd Dr. Butler, PA 16001	Testing
Walter Hanes	516 Paradise Valley Rd. St. Marys, PA 15857	Mitigation
Robert Hewlett	PO Box 1942 Cranberry Township, PA 16066	Mitigation
Theresa Hovanec	1600 Utica Ave. S, Ste. 800 Minneapolis, MN 55416	Testing
John Jenkins	37 N. Washington St. Wilkes-Barre, PA 18702	Testing
Thomas McArdle Seitz Brothers	83 Claremont Ave. Tamaqua, PA 18252	Mitigation
Charles McKee	4731 Backenberry Dr. Friendswood, TX 77546	Testing
Neil Minnucci	955 Allentown Rd. Lansdale, PA 19446	Mitigation
Timothy A. Musser Co., Inc.	213 N. 14th St. Allentown, PA 18102	Mitigation
Michael Parenti	1120 Candy Ln. Erie, PA 16505	Mitigation
Celia Rajkovich	122 W. 5th Ave. Derry, PA 15627	Laboratory Analysis
James Rossi	18 Nutgrove Rd. Pine Grove, PA 17963	Mitigation
S.A.F.E. Inspection Services, LLC	PO Box 343 East Berlin, PA 17316	Testing
Edward Schluth	472 Indian Crest Dr. Harleysville, PA 19438	Testing
Malissa Sears	1675 N. Commerce Pkwy. Weston, FL 33326	Laboratory Analysis
Brian Seitz Seitz Brothers	83 Claremont Ave. Tamaqua, PA 18252	Testing
Jon Shaffer	1115 Cornell St. Pittsburgh, PA 15212	Mitigation
Steven Shallenberger	3418 Allegheny Rd. Erie, PA 16508	Mitigation
William Thacker	33 Cherry Rd. Airville, PA 17302	Mitigation

Water Quality Certification under Section 401 of the Federal Clean Water Act for the Exelon Generation Co., LLC Muddy Run Pumped Storage Hydroelectric Project and Related Mitigation; FERC Docket No. P-2355-018; PADEP File No. EA 36-033

On June 3rd, 2014, the Pennsylvania Department of Environmental Protection (“DEP”) issued Section 401 Water Quality Certification to Exelon Generation Co., LLC (“Exelon”) for the Muddy Run Pumped Storage Facility (“Project”).

Exelon proposes to continue operation of the Project, including the main dam embankment, east dike, recreation pond dam and spillway, canal dam embankment, upper reservoir spillway, intake structure, powerhouse, primary transmission line, 900-acre Muddy Run Power Reservoir and 100-acre Recreation Lake (Holtwood, PA Quadrangle; Latitude: 39° 48' 33.34"N Longitude: -76° 17' 49.29" W). Continued operation of the facility will have entrainment effects on resident and migratory fish (including bluegill, rock bass, smallmouth bass, white crappie, channel catfish, walleye, and American shad, alewife and blueback herring) as well as American eel and other aquatic species.

The Department certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301—303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and with appropriate requirements of state law. The Department further certifies that the continued operation and maintenance of the project complies with Commonwealth water quality standards and that the operation and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the operation and maintenance of the project complies with the conditions in this certification, including the criteria and conditions set forth below:

Compensatory Mitigation:

1. Exelon will implement a program to trap approximately one million (1,000,000) eels per year from below the Conowingo Dam in Maryland and in the Octoraro Creek and transport them to multiple locations in the Susquehanna Watershed in Pennsylvania.

2. Exelon will provide five hundred thousand dollars (\$500,000.00) per year for habitat/sediment improvement projects in Lancaster and York Counties in Pennsylvania. This will include agricultural pasture and barnyard best management practices to address sediment introduction, stream improvement projects, riparian buffers, small dam removal, and other habitat improvement projects. This mitigation will continue through 2030 when it will be revisited through a re-evaluation of the water quality certification.

3. Exelon will provide a version of their Lower Susquehanna River OASIS Model to the Susquehanna River Basin Commission.

4. Exelon will achieve certain fish passage targets for migratory fish and eels passing through the project area, and will take corrective action if the fish passage targets are not achieved.

5. Exelon will conduct dissolved oxygen testing and endangered species evaluation.

6. The water quality certification will be revised in 2030, as appropriate, to address demonstrated project impacts and subject to the provisions of this certification,

to establish requirements consistent with Section 401 of the Clean Water Act, 33 U.S.C Section 1341.

DEP’s 401 WQ Certification for this Project, File No. EA 36-033, can be reviewed at the DEP South-central Region Office (“SCRO”), located at 909 Elmerton Ave., Harrisburg, PA 17110-8200. Please contact the DEP SCRO file room at 717-705-4732 to schedule a review of this file.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, 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 Environmental Hearing Board within 30 days of receipt of written notice of this action 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the board within 30 days. You do not need a lawyer to file an appeal with the board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the secretary to the board (717.787.3483) for more information.

Water Quality Certification under Section 401 of the Federal Clean Water Act for the Extended Power Uprate (“EPU”) for Peach Bottom Atomic Power Station (“PBAPS”)

Peach Bottom Atomic Power Station (PBAPS) is an existing nuclear-fueled boiling water reactor electric power generating facility located along the Susquehanna River in Peach Bottom Township, York County and Fulton and Drumore Townships, Lancaster County. PBAPS is owned by Exelon Generation Company, LLC (EXELON) (a wholly-owned subsidiary of Exelon Corporation) and PSEG Nuclear, LLC. The facility is operated by EXELON. EXELON has submitted a License Amendment Request (LAR) to the US Nuclear Regulatory Commission (NRC) for a proposed Extended Power Uprate (EPU) for units 2 and 3. The proposed EPU would allow the units to change from the currently licensed 3514 megawatts-thermal (MWt) to nominally 3951 MWt per unit.

Impacts to aquatic resources associated with continued operation of the facility and the EPU include water withdrawal from the Conowingo Pond of the Susquehanna River, consumptive use, and the thermal impacts of the heated water discharges back to the Conowingo Pond. Water will continue to be withdrawn at a maximum rate of 2,363.620 million gallons per day (MGD). Water intake will continue to have impingement and entrainment effects on the migratory and resident fish as well as other aquatic species. Consumptive water use at the facility is a maximum of 49.000 MGD. Discharge temperatures include a projected change in the temperature increase at a maximum from existing 22°F increase to a 25°F increase due to the EPU.

EXELON will mitigate the impacts of impingement and entrainment by providing one hundred thousand dollars (\$100,000.00) per year for habitat/sediment improvement projects in Lancaster and York Counties. This will include stream improvement projects, agricultural pasture and barnyard best management practices, and small dam removal projects. Consumptive use impacts will be mitigated by adherence to the Susquehanna River Basin Commission (SRBC) consumptive use authorization. Thermal impacts will be mitigated by adherence to the National Pollution Discharge Elimination System (NPDES) permit. Such payments hereunder shall be made for the duration of the operation of PBAPS as an electric generation facility.

The Commonwealth of Pennsylvania (Commonwealth) Department of Environmental Protection (Department, DEP or PADEP), by this notice, proposes to certify that the construction, operation and maintenance of the EPU complies with the applicable provisions of sections 301—303, 306, 307 and 316 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and appropriate requirements of state law. The Department further proposes to certify that the construction, operation and maintenance of the EPU complies with Commonwealth applicable water quality standards and that the construction, operation and maintenance of the EPU does not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the EPU complies with the conditions proposed for this certification, including the criteria and conditions of the following permits:

1. Discharge Permit—PBAPS shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of pollutants pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. Erosion and Sediment Control Permit—PBAPS shall obtain and comply with a PADEP's NPDES Permit for Stormwater Discharges Associated with Construction Activity pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102) for any earth disturbance activities that require said permit.

3. Water Obstruction and Encroachment Permits—PBAPS shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permit or Dam Permit for the construction, operation and maintenance of all dams, water obstructions or encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. Susquehanna River Basin Commission—PBAPS shall implement the Consumptive Water Use Mitigation Plan as approved and conditioned by the Susquehanna River Basin Commission including any future amendments to that plan.

5. Habitat Improvement Projects—

a. Commencing on the first March 1 after completion of the EPU of Unit 2, and by March 1 of each year thereafter, PBAPS shall provide a total ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) annually in compensatory mitigation to the PFBC, or to such other conservation district, resource agency or 501(c)(3) organi-

zation as directed by the PADEP, for the implementation of habitat/sediment improvement projects. This will include stream improvement projects, agricultural pasture and barnyard best management practices, and small dam removal projects.

b. This annual compensatory mitigation shall be by corporate check, or the like, made payable to the PFBC in the amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for habitat/sediment improvement projects in Lancaster or York Counties or to such other entities as the PADEP shall direct. PBAPS and PADEP shall receive from PFBC an annual accounting of projects implemented and fund expenditures. The funds shall be deposited by the PFBC into a special non-lapsing interest bearing account established and to be used only for the HIP Projects required by this Water Quality Certification ("PBAPS HIP Funds").

c. PADEP shall ensure that each project proposed by the PFBC shall be submitted to the DEP South-central Regional Office Waterways and Wetlands Program Manager, or the successor position, for approval. No single project shall receive more than \$75,000.00 in compensatory mitigation funding from the PBAPS HIP Fund. Funding priority shall be given for projects that include stream forested buffers of at least 50 feet in width and wetland creation projects. Project funding shall not include any indirect administrative costs and, except where specifically authorized by the DEP, shall not include direct administrative costs. In no case shall direct administrative costs be greater than 10% of the project funding. At PBAPS's option, and subject to land owner approval, for each project signage shall be displayed acknowledging PBAPS's funding of the habitat improvement.

d. Exelon may request that the PADEP revise the compensatory mitigation in response to actions or activities by Exelon that reduce the degree of impingement and/or entrainment at the PBAPS.

6. Water Quality Monitoring—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by PBAPS

7. Operation—For the EPU under this certification, PBAPS shall at all times properly operate and maintain the PBAPS facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by PBAPS.

8. Inspection—The PBAPS, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this Certification, including all required permits, appropriate requirements of state law and Pennsylvania's Water Quality Standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

9. Transfer of Projects—If the owners of PBAPS intend to transfer any legal or equitable interest in the PBAPS, they shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a

transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

10. Correspondence—All correspondence with and submittals to PADEP concerning this Certification shall be addressed to:

Department of Environmental Protection
South-central Regional Office
Mr. Scott Williamson
Waterways and Wetlands Program Manager
909 Elmerton Avenue
Harrisburg, PA 17110-8200

11. Reservation of Rights—PADEP may suspend or revoke this Certification if it determines that PBAPS has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to PBAPS's applicable procedural and substantive rights.

12. Other Laws—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve PBAPS from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

13. Severability—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

PBAPS's request to DEP for Water Quality Certification, File No. EA 67-024 can be reviewed at the DEP South-central Region Office (SCRO), located at the above address. Please contact the DEP SCRO file room at 717-705-4732 to schedule a review of this file.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. Scott Williamson, South-central Region Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.

[Pa.B. Doc. No. 14-1255. Filed for public inspection June 13, 2014, 9:00 a.m.]

Citizens Advisory Council Meeting Change

The Citizens Advisory Council (Council) will meet on Tuesday, June 17, 2014, in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. This meeting will begin at 9 a.m. instead of the normally scheduled time of 10 a.m.

Questions concerning the Council may be directed to Michele Tate, Executive Director at (717) 787-4527 or mtate@pa.gov. Information about the Council, including upcoming meeting agenda items, is available on the Public Participation Center of the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us/cac.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Michele Tate at (717) 787-4527 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1256. Filed for public inspection June 13, 2014, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the Erie-Western Pennsylvania Port Authority (EWPPA) is seeking United States Army Corp of Engineers authorization for the installation of mooring pilings to accommodate larger vessels in the West Canal Basin in Erie, PA. The proposed installation will include two 7-inch diameter pilings to enhance the port's ability to provide mooring for large vessels while protecting the existing header dock from damage.

This project is subject to Department review for Federal consistency because it is a Federal license and permit activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with 15 CFR Part 930, Subpart D (relating to consistency for activities requiring a Federal license or permit), EWPPA has certified that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Certification from the Department contact listed as follows.

The Department will consider all comments received by June 30, 2014, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Written comments should be submitted to Matt Walderon, Federal Consistency Coordinator, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Rachel Carson State Office Building, Harrisburg, PA 17101-8465, (717) 772-2196, RA-Fed_Consistency@pa.gov.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1257. Filed for public inspection June 13, 2014, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act

This notice is published under section 306(d)(14) of the Federal Coastal Zone Management Act of 1972 (16

U.S.C.A. § 1455(d)(14)), regarding public participation during consistency determinations. The Department of Environmental Protection (Department), Coastal Resources Management Program has received notice that the National Marine Fisheries Service (NMFS) is proposing a Framework Adjustment 3 to the Atlantic Herring Fishery Management Plan. The proposed adjustment will establish a process for setting river herring (alewife and blueback) and shad (American and Hickory) catch caps for the herring fishery. Framework 3 also establishes catch caps for the 2014 and 2015 fishing years at:

- Mid-water trawl cap for the Gulf of Maine (86 mt)
- Mid-water trawl cap for Cape Cod (13 mt)
- Mid-water trawl cap for Southern New England (124 mt)
- A bottom water trawl cap for Southern New England (89 mt)

This project is subject to Department review for Federal consistency because it is a Federal agency activity and will have reasonably foreseeable effects on this Commonwealth's coastal resources or uses.

In accordance with 15 CFR Part 930, Subpart C (relating to consistency for Federal agency activities), NMFS has determined that the proposed activity will be conducted in a manner consistent with the applicable enforceable policies of the Commonwealth's approved Coastal Resources Management Program. Interested parties may request a copy of the Federal Consistency Determination from the Department contact listed as follows.

The Department will consider all comments received by June 30, 2014, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Written comments should be submitted to Matt Walderon, Federal Consistency Coordinator, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Rachel Carson State Office Building, Harrisburg, PA 17101-8465, (717) 772-2196, RA-Fed_Consistency@pa.gov.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1258. Filed for public inspection June 13, 2014, 9:00 a.m.]

Pennsylvania Energy Development Authority Funding Opportunity Available

On behalf of Governor Tom Corbett, Secretary E. Christopher Abruzzo announces that on June 14, 2014, the Pennsylvania Energy Development Authority (Authority), by means of the Department of Environmental Protection, will offer a financial assistance opportunity in the form of grants or loans to be awarded on a competitive basis for clean, advanced energy projects.

The Authority anticipates awarding approximately \$10 million of the \$12.5 million in available funding to support projects identified as Advanced Energy Projects, with an emphasis on renewable energy projects. If the Authority does not receive \$10 million in suitable Advanced Energy Projects, other eligible projects may receive this funding.

The following types of projects are eligible:

- Advanced Energy Projects
 - o Projects which deploy: solar energy; wind; low-impact hydropower; geothermal; biomass; biologically derived methane gas including landfill gas; fuel cells; coal-mine methane; waste coal; coal liquefaction; coal polygeneration; integrated gasification combined cycle; and demand management measures including recycled energy and energy recovery, energy efficiency and load management.
- Clean Alternative Fuels, Alternative Energy Manufacturing and Alternative Energy Research
 - o Construction of new facilities to produce alternative fuels for transportation.
 - o Construction of new facilities to provide alternative fuels refueling infrastructure.
 - o Projects which support manufacture of component parts of the alternative energy sector.
 - o Projects which support research to advance or commercialize alternative energy projects.

The following entities are eligible to apply:

- Corporations, partnerships, limited liability companies, associations and other legal business entities.
- Nonprofit corporations.
- Pennsylvania schools, colleges and universities.
- Any Pennsylvania municipality.
- Any public corporation, authority or body.

Guidelines may be viewed and applications must be submitted by means of the eGrants system at www.grants.dcnr.state.pa.us.

Applications will be accepted from June 14, 2014, through 4 p.m. on August 15, 2014.

Questions regarding this funding opportunity should be directed to the Authority at (717) 783-8411 or EP-PEDA@pa.gov.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1259. Filed for public inspection June 13, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Butler County

Proposals are invited to provide the Department of General Services with 5,700 usable square feet of office space for the Pennsylvania Board of Probation and Parole in Butler County. For more information on SFP No. 94621, which is due on June 23, 2014, visit www.dgs.state.pa.us or contact Scott Shelton at (717) 787-5546 or scshelton@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1260. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Office Space to the Commonwealth
Chester County**

Proposals are invited to provide the Department of General Services with 4,508 usable square feet of office space for the Pennsylvania Board of Probation and Parole in Chester County. For more information on SFP No. 94617, which is due on Monday, July 28, 2014, visit www.dgs.state.pa.us or contact David Weyandt at (717) 525-5255 or daweyandt@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1261. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Westmoreland County**

Proposals are invited to provide the Department of General Services with 4,000 to 5,000 usable square feet of retail space for the Liquor Control Board in Delmont, Westmoreland County within a 1-mile radius of Routes 22 and 66. For more information on SFP No. 94618, which is due on August 1, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1265. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Office Space to the Commonwealth
Monroe County**

Proposals are invited to provide the Department of General Services with 16,790 usable square feet of office space for the Pennsylvania State Police in Monroe County. For more information on SFP No. 94622, which is due on Monday, July 28, 2014, visit www.dgs.state.pa.us or contact David Weyandt at (717) 525-5255 or daweyandt@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1262. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Westmoreland County**

Proposals are invited to provide the Department of General Services with 4,500 to 5,500 usable square feet of retail space for the Liquor Control Board in Belle Vernon, Westmoreland County within a 1-mile radius of Route 201 and Tri-County Lane. For more information on SFP No. 94616, which is due on August 1, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1266. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Delaware County**

Proposals are invited to provide the Department of General Services with 6,500 to 7,500 usable square feet of retail space for the Liquor Control Board within a 1-mile radius of Route 322 and Ridge Road, Glen Mills, Delaware County. For more information on SFP No. 94615, which is due on July 11, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1263. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Westmoreland County**

Proposals are invited to provide the Department of General Services with 7,000 to 8,000 usable square feet of retail space for the Liquor Control Board in North Huntingdon Township, Westmoreland County from Interstate 76 West, a 6-mile corridor along Route 30. For more information on SFP No. 94619, which is due on August 8, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1267. Filed for public inspection June 13, 2014, 9:00 a.m.]

**Lease Retail Space to the Commonwealth
Westmoreland County**

Proposals are invited to provide the Department of General Services with 4,000 to 4,500 usable square feet of retail space for the Liquor Control Board in Mount Pleasant, Westmoreland County within a 1-mile radius of 1000 Countryside Plaza, Mount Pleasant, Westmoreland County. For more information on SFP No. 94620, which is due on August 8, 2014, visit www.dgs.state.pa.us or contact the Bureau of Real Estate at (717) 787-4394.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1264. Filed for public inspection June 13, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Center for the Surgical Arts for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Center for the Surgical Arts has requested an exception to the requirements of 28 Pa. Code § 553.31 (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a 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 previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1268. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Children's Home of Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Home of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 111.3(b) (relating to dietician).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a 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 previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1269. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.1-3.2.2.2, 3.1-3.6.1, 3.1-3.6.7.1, 3.1-5.5, 3.1-7.2.2.1 and 2.17.2.2.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service, or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1270. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 105.11(b) (relating to access).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a 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 previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1271. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 119.11 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a 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 previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1272. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Lansdale Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lansdale Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.2.2.5 (relating to hand-washing stations).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1273. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Nason Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nason Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-2.11.8.1 (relating to patient lounges).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1274. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Penn Highlands Clearfield for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Penn Highlands Clearfield has requested exceptions to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a 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 previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1275. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Riddle Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.1.3.3(3)(b) (relating to triage rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1276. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of Sunbury Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Sunbury Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 2.2-2.6.2.4(1), 2.2-2.6.2.5(3), 2.1-2.6.6.2(2), 2.2-2.6.6.12(1)(2), 2.2-2.6.9.1(1), 2.2-2.6.7.4, 2.1-8.2.1, 2.1-8.2.5 and 2.1-8.4.4.1.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1277. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of UPMC Horizon Shenango Campus for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon Shenango Campus has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 2.2-2.11.3.2(1), 2.2-2.11.7.2, 2.2-2.11.7.3, 2.2-2.11.6.13, 2.2-2.11.8.1, 2.1-2.2.6.3, 2.2-2.11.66.11(2)(a) and 2.2-2.2.2.5(1)(b).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1278. Filed for public inspection June 13, 2014, 9:00 a.m.]

Application of UPMC Presbyterian Shadyside for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Presbyterian Shadyside has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.9.2.6.10 (relating to soiled workrooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, 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 a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1279. Filed for public inspection June 13, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Baldwin Health Center
1717 Skyline Drive
Pittsburgh, PA 15277
FAC ID # 026702

Buffalo Valley Lutheran Village
189 East Tressler Boulevard
Lewisburg, PA 17837
FAC ID # 023602

Carleton Senior Care and Rehabilitation Center
10 West Avenue
Wellsboro, PA 16901
FAC ID # 080802

Golden LivingCenter—York Terrace
2401 West Market Street
Pottsville, PA 17901
FAC ID # 510202

Highlands Care Center
Route 42 Main Street
Laporte, PA 18626
FAC ID # 127402

Mountainview Specialty Care Center
227 Sand Hill Road
Greensburg, PA 15601
FAC ID # 914302

Orangeville Health and Rehabilitation Center
200 Berwick Road
Orangeville, PA 17859
FAC ID # 379502

Prospect Park Health and Rehabilitation Center
815 Chester Pike
Prospect Park, PA 19076
FAC ID # 162502

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Cedarbrook Nursing Homes
350 South Cedarbrook Road
Allentown, PA 18104
FAC ID # 550102

Holy Family Residence
2500 Adams Avenue
Scranton, PA 18509
FAC ID # 860302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(c) and (k) (relating to prevention, control and surveillance of tuberculosis (TB)):

Lankenau Transitional Care Center
100 Lancaster Avenue
Wynnewood, PA 19096-3496
FAC ID # 120402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.10(b) (relating to doors):

Artman Lutheran Home
250 North Bethlehem Pike
Ambler, PA 19002
FAC ID # 011102

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facil-

ities, 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. 14-1280. Filed for public inspection June 13, 2014, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Change to an Additional Class of Disproportionate Share Payments

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to increase the funding allotted for Fiscal Year (FY) 2013-2014 for disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically

Medical Assistance Program Fee Schedule Revisions; 2014 Healthcare Common Procedure Coding System Updates; Prior Authorization Requirements

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after June 23, 2014.

Fee Schedule Revisions

The Department is adding and end-dating procedure codes as a result of implementing the 2014 updates made by the Centers for Medicare and Medicaid Services (CMS) to the Healthcare Common Procedure Coding System (HCPCS). The Department is also adding and end-dating other procedure codes. As follows, some of the procedure codes being added to the MA Program Fee Schedule will require prior authorization.

Fees for the new procedure codes will be published in an MA Bulletin that will be issued to all providers.

The following procedure codes are being added to the MA Program Fee Schedule as a result of the 2014 HCPCS updates:

Procedure Codes and Modifiers

10030	19081	19081 (SG)	19082	19083
19083 (SG)	19084	19085	19085 (SG)	19086
19281	19282	19283	19284	19285
19286	19287	19288	23333 (SG)	23333 (RT)
23333 (LT)	23333 (50)	23334 (SG)	23334 (RT)	23334 (LT)
23334 (50)	23334 (80) (RT)	23334 (80) (LT)	23334 (80) (50)	23335 (RT)
23335 (LT)	23335 (50)	23335 (80) (RT)	23335 (80) (LT)	23335 (80) (50)
37217(RT)	37217 (LT)	37217 (50)	37236	37236 (SG)

distressed areas of this Commonwealth. There will be no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department ensures that no acute care general hospital receives a DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth is not exceeding its aggregate annual DSH allotment.

Fiscal Impact

The FY 2013-2014 fiscal impact as a result of this increase in the allocation for the additional class of DSH payments is \$44.331 million (\$20.605 million in State general funds and \$23.726 million in Federal funds).

Public Comment

Interested persons are invited to submit written comments regarding this notice 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 considered.

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,
Secretary

Fiscal Note: 14-NOT-881. (1) General Fund; (2) Implementing Year 2013-14 is \$20,605,000; (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—\$268,112,000; 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. 14-1281. Filed for public inspection June 13, 2014, 9:00 a.m.]

Procedure Codes and Modifiers

37237	37238	37238 (SG)	37239	37241
37241 (SG)	37242	37242 (SG)	37243	37243 (SG)
37244	37244 (SG)	43191	43191 (SG)	43192
43192 (SG)	43193	43193 (SG)	43194	43194 (SG)
43195	43195 (SG)	43196	43196 (SG)	43197
43197 (SG)	43198	43198 (SG)	43211	43211 (SG)
43212	43212 (SG)	43213	43213 (SG)	43214
43214 (SG)	43229	43229 (SG)	43233	43233 (SG)
43253	43253 (SG)	43254	43254 (SG)	43266
43266 (SG)	43270	43270 (SG)	43274	43274 (SG)
43275	43275 (SG)	43276	43276 (SG)	43277
43277 (SG)	43278	43278 (SG)	49405	49405 (SG)
49406	49406 (SG)	49407	49407 (SG)	52356 (SG)
52356 (RT)	52356 (LT)	52356 (50)	64616 (SG)	64616 (RT)
64616 (LT)	64616 (50)	64617 (SG)	64617 (RT)	64617 (LT)
64617(50)	64642	64642 (SG)	64643	64644
64644 (SG)	64645	64646	64646 (SG)	64647
64647 (SG)	77293	77293 (TC)	77293 (26)	80155
80159	80169	80171	80175	80177
80180	80183	80199	80203	81287
87661	90673	92521 (U9)	92522 (U9)	92523 (U9)
92524 (U9)	93582	93582 (SG)	93582 (80)	93583
93583 (80)	A7047 (NU)	G0461	G0461 (TC)	G0461 (26)
G0462	G0462 (TC)	G0462 (26)	L0455	L0457
L0467	L0469	L0641	L0642	L0643
L0648	L0649	L0650	L0651	L1812 (RT)
L1812 (LT)	L1812 (50)	L1833 (RT)	L1833 (LT)	L1833 (50)
L1848 (RT)	L1848 (LT)	L1848 (50)	L3809 (RT)	L3809 (LT)
L3809 (50)	L3916 (RT)	L3916 (LT)	L3916 (50)	L3918 (RT)
L3918 (LT)	L3918 (50)	L3924 (LT)	L3924 (RT)	L3924 (50)
L3930 (RT)	L3930 (LT)	L3930 (50)	L4361 (RT)	L4361 (LT)
L4361 (50)	L4387 (RT)	L4387 (LT)	L4387 (50)	L4397 (RT)
L4397 (LT)	L4397 (50)	T4544		

The following procedure codes are being added to the MA Program Fee Schedule based upon provider requests, clinical review or significant program exception requests:

Procedure Codes

81161	81200	81201	81202	81203	81211
81212	81213	81214	81215	81216	81217
81220	81240	81241	81243	81244	81245
81280	81281	81282	81292	81293	81294
81295	81296	81297	81298	81299	81300
81301	81302	81303	81304	81315	81316
81317	81318	81319	81324	81325	81326
81330	81331	81370	81371	81372	81373
81374	81375	81376	81377	81378	81379
81380	81381	81382	81383	81511	E0191
Q4107					

The following procedure codes are being end-dated from the MA Program Fee Schedule either as a result of the 2014 HCPCS updates or because they were previously end-dated by CMS:

<i>Procedure Codes</i>					
13150	19102	19103	19290	19291	19295
23331	23332	37204	37205	37206	37207
37208	37210	42802	43219	43228	43256
43258	43267	43268	43269	43271	43272
43456	43458	49021	49041	49061	64613
64614	75960	77031	77032	92506	93607
A4260	J1055	J7347	J7349	L7611	L7612
L7613	L7614	L7621	L7622	S3626	

The Department is end-dating procedure code 88342 and replacing it with G0461 as a result of the 2014 HCPCS updates:

<i>Procedure Code</i>	<i>Description</i>	<i>Replacement Procedure Code</i>	<i>Description</i>
88342	Immunohistochemistry or immunocytochemistry, each separately identifiable antibody per block, cytologic preparation, or hematologic smear; first separately identifiable antibody per slide	G0461	Immunohistochemistry or immunocytochemistry, per specimen; first single or multiplex antibody stain

In addition, the Department is end-dating the following procedure code from the MA Program Fee Schedule because it is considered a cosmetic surgical procedure. Under 55 Pa. Code § 1141.59(13) (relating to noncompensable services) payments will not be made for cosmetic surgery except when performed to improve the functioning of a malformed body member, to correct a visible disfigurement which would affect the ability of the person to obtain or hold employment, or as a post-mastectomy breast reconstruction.

<i>Procedure Code</i>	<i>Procedure Description</i>
65765	Keratophakia

No new authorizations will be issued for the procedure codes being end-dated on and after June 23, 2014. For any of the previous procedure codes that had a prior authorization issued before June 23, 2014, providers should submit claims using the end-dated procedure code, as set forth in the authorization issued by the Department. The Department will accept claims with the end-dated procedure codes until June 23, 2015, for those services that were previously prior authorized.

Prior Authorization Requirements

The following procedure codes for molecular pathology are being added to the MA Program Fee Schedule and will require prior authorization, as authorized under section 443.6(b)(7) of the Public Welfare Code (code) (62 P. S. § 443.6(b)(7)), and as described in the MA Provider Handbook which may be viewed at <http://www.dpw.state.pa.us/publications/forproviders/promiseproviderhandbooksandbillingguides/index.htm>.

<i>Procedure Codes</i>					
81161	81200	81201	81202	81203	81211
81212	81213	81214	81215	81216	81217
81220	81240	81241	81243	81244	81245
81255	81256	81257	81260	81270	81275
81280	81281	81282	81287	81292	81293
81294	81295	81296	81297	81298	81299
81300	81301	81302	81303	81304	81315
81316	81317	81318	81319	81324	81325
81326	81330	81331	81370	81371	81372
81373	81374	81375	81376	81377	81378
81379	81380	81381	81382	81383	81511

The following procedure code being added to the MA Program Fee Schedule will require prior authorization, as authorized under section 443.6(b)(7) of the code:

<i>Procedure Code</i>	<i>Procedure Description</i>
Q4107	Graft jacket, per square centimeter

The following procedure codes being added to the MA Program Fee Schedule are orthoses and will require prior authorization, as authorized under section 443.6(b)(1) of the code:

Procedure Codes

L0455	L0457	L0467	L0469	L0641
L0642	L0643	L0648	L0649	L0650
L0651	L1812 (RT)	L1812 (LT)	L1812 (50)	L1833 (RT)
L1833 (LT)	L1833 (50)	L1848 (RT)	L1848 (LT)	L1848 (50)
L3809 (RT)	L3809 (LT)	L3809 (50)	L3916 (RT)	L3916 (LT)
L3916 (50)	L3918 (RT)	L3918 (LT)	L3918 (50)	L3924 (LT)
L3924 (RT)	L3924 (50)	L3930 (RT)	L3930 (LT)	L3930 (50)
L4361 (RT)	L4361 (LT)	L4361 (50)	L4387 (RT)	L4387 (LT)
L4387 (50)	L4397 (RT)	L4397 (LT)	L4397 (50)	

Updates to Procedure Codes Currently on the MA Program Fee Schedule

Right/Left/50 Modifiers

The surgical procedure code 69210 will have modifiers right (Rt), left (Lt) and bilateral (50) added because the description of the service changed as a result of the 2014 HCPCS updates. The procedures may be performed laterally or bilaterally. The units will be increased from 1 unit per day to 1-2 units because of the allowance of bilateral services.

The surgical procedure codes 31295, 31296, 31297 and 69210 will be updated to include Provider Type (PT), Provider Specialty (PS) and/or Place of Service (POS), as indicated as follows, in addition to what is presently indicated on the fee schedule:

<i>Procedure Codes</i>	<i>Provider Type/Specialty (PT/PS)</i>	<i>Place of Service (POS)</i>
31295		
31296	31/All	11—Office
31297		
31295		
31296	01/183	22—Outpatient Hospital
31297		
31295		
31296	08/082	49—Independent Clinic
31297		
69210	01/183	22—Outpatient Hospital
69210	08/082	49—Independent Clinic

Fiscal Impact

The estimated cost for Fiscal Year (FY) 2014-2015 is \$0.301 million (\$0.144 million in State funds). The estimated cost for FY 2015-2016 is \$0.361 million (\$0.174 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 Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-880. (1) General Fund; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 is \$144,000; 2nd Succeeding Year 2015-16 is \$174,000; 3rd Succeeding Year 2016-17 is \$174,000; 4th Succeeding Year 2017-18 is \$174,000; 5th Succeeding Year 2018-19 is \$174,000; (4) 2012-13 Program—\$450,835,000; 2011-12 Program—\$645,095,000; 2010-11 Program—\$467,929,000; (7) MA—Outpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1282. Filed for public inspection June 13, 2014, 9:00 a.m.]

Nursing Facility Assessment Program for Fiscal Year 2014-2015

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) 2014-2015.

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 2014-2015, 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 2014-2015 and the estimated aggregate impact on nursing facilities that will be subject to the assessment in FY 2014-2015.

Proposed Assessment Methodology and Rates

During FY 2014-2015, the Department is proposing to maintain essentially the same assessment methodology that was used in FY 2013-2014, but for an adjustment to the qualifications for the assessment rates.

The following nursing facilities will continue to be exempt from the Assessment Program in FY 2014-2015:

- (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.

¹ These amounts are based on the level of funding in the Governor's proposed Executive Budget.

- (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 44 or fewer licensed beds; and certain Continuing Care Retirement Community (CCRC) nursing facilities. See 40 Pa.B. 7297 (December 18, 2010). Previously, nursing facilities with fewer than 51 beds also qualified for this rate. 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.

Since the Nursing Facility Assessment Program began in 2003, the Department has requested and CMS has approved a waiver of the broad based and uniformity requirements under 42 CFR 433.68 (relating to permissible health care-related taxes) for each State fiscal year (SFY) thereby avoiding any reduction in FFP. When submitting the waiver request, the Department must demonstrate, among other things, that the assessment is generally redistributive using the statistical test described in 42 CFR 433.68(e)(2). Generally, to meet the test a certain proportion of high MA utilization facilities must be exempt or assessed at a lower rate. Due to the number of former county nursing facilities that are now assessed at a higher rate because of a change of ownership from county ownership to a nonpublic nursing facility provider throughout SFY 2013-2014, the Department is proposing to reduce the number of licensed beds a nursing facility may have to qualify for the lower assessment rate from 50 or fewer beds to 44 or fewer beds to ensure the value of the B1/B2 in the statistical test previously referenced is at least 1 and thereby ensuring CMS's approval of the waiver request for SFY 2014-2015.

These changes will ensure that the assessment program continues to achieve its intended purpose of generating revenue to support medical assistance payments to nursing facilities while minimizing any potential financial harm to nursing facilities.

The Department also proposes to decrease the assessment rates for nonexempt nursing facilities from the rates in FY 2013-2014. The proposed assessment rates for FY 2014-2015 are as follows:

- (1) For county nursing facilities, for nursing facilities that have 44 or fewer licensed beds, and for grandfathered CCRC nursing facilities, the assessment rate will be \$8.01 per non-Medicare resident day.

- (2) For all other nonexempt nursing facilities, the assessment rate will be \$29.46 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 \$477.065 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 17105-8025. 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 2014-2015. 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,
Secretary

Fiscal Note: 14-NOT-877. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-1283. Filed for public inspection June 13, 2014, 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 2014-2015

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) 2014-2015.

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 2013-2014, 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 2014-2015, the Department intends to use a portion of the revenues generated from the FY 2014-2015 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 2014-2015 and the funding level for the MDOI payments for FY 2014-2015, 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 2014-2015.

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 2014-2015 is \$20.037 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 17105-8025. 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,
Secretary

Fiscal Note: 14-NOT-878. (1) General Fund; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 is \$20,037,000; 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) 2013-14 Program—\$838,528,000; 2012-13 Program—\$770,903,000; 2011-12 Program—\$737,356,000; (7) MA—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 14-1284. Filed for public inspection June 13, 2014, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Funky 5s Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Funky 5s.

2. *Price:* The price of a Pennsylvania Funky 5s instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Funky 5s instant lottery game ticket will contain one play area and a separate “BONUS” area containing two prize symbols. The “BONUS” area is played separately. The play symbols and their captions located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWININ), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 36 (THYSIX), 5 (FIVE) symbol, 5X (5TIMES) symbol, and a FUNKY (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO). The prize play symbols and their captions located in the “BONUS” area are: \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TEY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$400, \$500, \$1,000, \$5,000 and \$100,000. The prizes that can be won in the “BONUS” area are: \$10, \$15, \$20, \$25, \$50, \$100, \$250 and \$500. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Funky 5s instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$100,000 (ONEHUNTHO) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$5,000 (FIV THO) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$50.00 (FIFTY) in six of the “PRIZE” areas, a prize symbol of \$40⁰⁰

(FORTY) in five of the “PRIZE” areas, and a prize symbol of \$500 (FIV HUN) in one of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in two of the “PRIZE” areas and a prize symbol of \$50⁰⁰ (FIFTY) in ten of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a 5X (5TIMES) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the “PRIZE” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in two of the “PRIZE” areas, a prize symbol of \$40⁰⁰ (FORTY) in five of the “PRIZE” areas, and a prize symbol of \$20⁰⁰ (TWENTY) in five of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with two \$500 (FIV HUN) prize play symbols in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$400 (FOR HUN) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in two of the “PRIZE” areas and a prize symbol of \$20.00 (TWENTY) in ten of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets with a 5X (5TIMES) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) in the “PRIZE” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) in two of the “PRIZE” areas and a prize symbol of \$20⁰⁰ (TWENTY) in ten of the “PRIZE” areas, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets with two \$250 (TWOHUNFTY) prize play symbols in the “BONUS” area, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the “PRIZE” area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a 5X (5TIMES) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) in the “PRIZE” area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with a FUNKY (FUNKY) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in five of the "PRIZE" areas, a prize symbol of \$5⁰⁰ (FIV DOL) in six of the "PRIZE" areas, and a prize symbol of \$20.00 (TWENTY) in one of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with two \$100 (ONE HUN) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$50⁰⁰ (FIFTY) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets with a 5X (5TIMES) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in the "PRIZE" area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets with two \$50⁰⁰ (FIFTY) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$40⁰⁰ (FORTY) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$25⁰⁰ (TWY FIV) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(y) Holders of tickets with a 5X (5TIMES) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in

the "PRIZE" area to the right of that 5X (5TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25.

(z) Holders of tickets with two \$25⁰⁰ (TWY FIV) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$25.

(aa) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$20⁰⁰ (TWENTY) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(bb) Holders of tickets with two \$20⁰⁰ (TWENTY) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$20.

(cc) Holders of tickets with two \$15⁰⁰ (FIFTN) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$15.

(dd) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$10⁰⁰ (TEN DOL) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(ee) Holders of tickets with two \$10⁰⁰ (TEN DOL) prize play symbols in the "BONUS" area, on a single ticket, shall be entitled to a prize of \$10.

(ff) Holders of tickets with a 5 (FIVE) symbol in the play area, and a prize symbol of \$5⁰⁰ (FIV DOL) in the "PRIZE" area to the right of that 5 (FIVE) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal a "5" (FIVE) Symbol, Win Prize Shown To The Right Of It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets:</i>
\$5	\$5	8.57	1,190,000
\$5 x 2	\$10	60	170,000
2 - \$10s w/ BONUS	\$10	60	170,000
\$10	\$10	40	255,000
\$5 x 4	\$20	200	51,000
\$10 x 2	\$20	200	51,000
(\$5 x 2) + \$10	\$20	200	51,000
(2 - \$10s w/ BONUS) + \$10	\$20	200	51,000
\$20	\$20	200	51,000
(\$10 x 2) + \$5	\$25	600	17,000
\$20 + \$5	\$25	600	17,000
(2 - \$15s w/ BONUS) + \$10	\$25	300	34,000
\$5 w/ 5X	\$25	600	17,000
\$25	\$25	600	17,000
\$10 x 4	\$40	600	17,000
\$20 x 2	\$40	600	17,000
(2 - \$20s w/ BONUS) + \$20	\$40	600	17,000
(\$5 w/ 5X) + \$10 + \$5	\$40	600	17,000
\$40	\$40	600	17,000
\$5 x 10	\$50	600	17,000
(2 - \$25s w/ BONUS) + \$25	\$50	600	17,000
2 - \$50s w/ BONUS	\$50	600	17,000
\$10 w/ 5X	\$50	600	17,000
\$50	\$50	600	17,000
FUNKY w/ ((\$10 x 5) + (\$5 x 6) + \$20)	\$100	1,263	8,075
\$10 x 10	\$100	3,429	2,975
\$25 x 4	\$100	3,429	2,975
\$50 x 2	\$100	3,429	2,975
(2 - \$20s w/ BONUS) + (\$20 x 4)	\$100	1,500	6,800

<i>Reveal a "5" (FIVE) Symbol, Win Prize Shown To The Right Of It. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,200,000 Tickets:</i>
(2 - \$50s w/ BONUS) + \$50	\$100	1,500	6,800
\$20 w/ 5X	\$100	1,500	6,800
\$100	\$100	1,333	7,650
FUNKY w/ ((\$25 × 2) + (\$20 × 10))	\$250	12,000	850
(\$40 × 5) + (\$10 × 5)	\$250	24,000	425
(2 - \$50s w/ BONUS) + (\$50 × 4)	\$250	12,000	850
(2 - \$100s w/ BONUS) + (\$25 × 6)	\$250	8,000	1,275
\$50 w/ 5X	\$250	12,000	850
\$250	\$250	8,000	1,275
FUNKY w/ ((\$100 × 2) + (\$20 × 10))	\$400	40,000	255
\$40 × 10	\$400	120,000	85
\$100 × 4	\$400	40,000	255
(2 - \$50s w/ BONUS) + (\$50 × 7)	\$400	40,000	255
(2 - \$100s w/ BONUS) + (\$50 × 4) + (\$25 × 4)	\$400	40,000	255
\$400	\$400	40,000	255
FUNKY w/ ((\$100 × 2) + (\$40 × 5) + (\$20 × 5))	\$500	60,000	170
\$50 × 10	\$500	60,000	170
\$250 × 2	\$500	60,000	170
(2 - \$50s w/ BONUS) + (\$50 × 9)	\$500	60,000	170
(2 - \$250s w/ BONUS) + (\$50 × 5)	\$500	120,000	85
\$100 w/ 5X	\$500	120,000	85
\$500	\$500	60,000	170
FUNKY w/ ((\$250 × 2) + (\$50 × 10))	\$1,000	60,000	170
FUNKY w/ ((\$50 × 6) + (\$40 × 5) + \$500)	\$1,000	120,000	85
\$250 × 4	\$1,000	60,000	170
\$500 × 2	\$1,000	120,000	85
(2 - \$500s w/ BONUS) + (\$100 × 5)	\$1,000	120,000	85
(\$100 w/ 5X) + \$500	\$1,000	60,000	170
\$1,000	\$1,000	120,000	85
\$1,000 × 5	\$5,000	2,040,000	5
\$5,000	\$5,000	2,040,000	5
\$100,000	\$100,000	1,020,000	10

Reveal a "5X" (5TIMES) symbol, win 5 times the prize shown to the right of it.

Reveal a "FUNKY" (WINALL) symbol, win all 12 prizes shown!

BONUS: Get two like amounts, win that amount! Bonus played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Funky 5s instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after

the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Funky 5s, prize money from winning Pennsylvania Funky 5s instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Funky 5s instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Funky 5s or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-1285. Filed for public inspection June 13, 2014, 9:00 a.m.]

Pennsylvania \$1,000,000 Golden Ticket Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000,000 Golden Ticket.

2. *Price:* The price of a Pennsylvania \$1,000,000 Golden Ticket instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania \$1,000,000 Golden Ticket instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), TICKET (TICKET) symbol, Vault (VAULT) symbol, Gold Bar (WIN250) symbol and a Bank (BANK) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$25^{.00} (TWY FIV), \$30^{.00} (THIRTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$30, \$40, \$50, \$100, \$250, \$500, \$1,000, \$10,000, \$100,000 and \$1,000,000. The player can win up to 20 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania \$1,000,000 Golden Ticket instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$1MILL (ONE MIL) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$100,000 (ONEHUNTHO) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$10,000 (TEN

THO) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets with a Bank (BANK) symbol in the play area and a prize symbol of \$500 (FIV HUN) in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10,000.

(e) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets with a Bank (BANK) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets with a Bank (BANK) symbol in the play area and a prize symbol of \$25^{.00} (TWY FIV) in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$40^{.00} (FORTY) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(l) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$250 (TWOHUNFTY) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets with a Gold Bar (WIN250) symbol in the play area, on a single ticket, shall be entitled to a prize of \$250.

(n) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$25^{.00} (TWY FIV) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$250.

(o) Holders of tickets with a Bank (BANK) symbol in the play area and a prize symbol of \$20^{.00} (TWENTY) in five of the “prize” areas and a prize symbol of \$10^{.00} (TEN DOL) in 15 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$250.

(p) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$100.

(q) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$10^{.00} (TEN DOL) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets with a Bank (BANK) symbol in the play area and a prize symbol of \$5^{.00} (FIV DOL) in all 20 of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$50.

(t) Holders of tickets with a Vault (VAULT) symbol in the play area and a prize symbol of \$5^{.00} (FIV DOL) in the “prize” area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$40^{.00} (FORTY) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$40.

(v) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$30^{.00} (THIRTY) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$30.

(w) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$25^{.00} (TWY FIV) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$25.

(x) Holders of tickets with a TICKET (TICKET) symbol in the play area and a prize symbol of \$20^{.00} (TWENTY) in the “prize” area under that TICKET (TICKET) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Reveal A “TICKET” (TICKET) Symbol, Win Prize Shown Under That Symbol. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>
\$20	\$20	6	1,000,000
\$25	\$25	25	240,000
\$30	\$30	30	200,000
\$20 × 2	\$40	150	40,000
\$40	\$40	100	60,000
\$25 × 2	\$50	300	20,000
\$5 w/ VAULT	\$50	100	60,000
\$50	\$50	300	20,000
BANK w/ \$5 × 20	\$100	75	80,000
\$20 × 5	\$100	300	20,000
\$10 w/ VAULT	\$100	150	40,000
\$100	\$100	300	20,000
BANK w/ ((\$20 × 5) + (\$10 × 15))	\$250	705.88	8,500
\$50 × 5	\$250	1,200	5,000
(\$100 × 2) + \$50	\$250	750	8,000
\$25 w/ VAULT	\$250	1,200	5,000
\$250 w/ GOLD BAR	\$250	800	7,500
\$250	\$250	1,200	5,000
BANK w/ \$25 × 20	\$500	2,400	2,500
\$100 × 5	\$500	3,000	2,000
(\$50 × 5) + (\$25 × 10)	\$500	2,000	3,000
(\$100 × 2) + \$250 + \$50	\$500	2,000	3,000
(\$40 w/ VAULT) + \$100	\$500	2,000	3,000
\$50 w/ VAULT	\$500	3,000	2,000
(\$250 w/ GOLD BAR) × 2	\$500	2,000	3,000
\$500	\$500	3,000	2,000
BANK w/ \$50 × 20	\$1,000	5,000	1,200
\$500 × 2	\$1,000	7,500	800
(\$100 × 5) + (\$50 × 10)	\$1,000	7,500	800
(\$100 × 2) + \$500 + \$250 + \$50	\$1,000	7,500	800
\$100 w/ VAULT	\$1,000	5,455	1,100
(\$250 w/ GOLD BAR) × 4	\$1,000	10,000	600
\$1,000	\$1,000	7,500	800
BANK w/ \$500 × 20	\$10,000	240,000	25
\$10,000	\$10,000	240,000	25
\$100,000	\$100,000	600,000	10
\$1,000,000	\$1,000,000	1,200,000	5

Reveal a “VAULT” (VAULT) symbol, win 10 times the prize shown under that symbol.

Reveal a “GOLD BAR” (WIN250) symbol, win \$250 instantly.

Reveal a “BANK” (BANK) symbol, win all 20 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania \$1,000,000 Golden Ticket instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000,000 Golden Ticket, prize money from winning Pennsylvania \$1,000,000 Golden Ticket instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000,000 Golden Ticket instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania \$1,000,000 Golden Ticket or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-1286. Filed for public inspection June 13, 2014, 9:00 a.m.]

Pennsylvania Red Hot Crossword Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Red Hot Crossword.

2. *Price:* The price of a Pennsylvania Red Hot Crossword instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Red Hot Crossword instant lottery game ticket will feature a “YOUR LETTERS” area, two crossword puzzle play grids, known as “GRID 1” and “GRID 2” respectively, and a “BONUS WORD” play area. “GRID 1,” “GRID 2” and the “BONUS WORD” play area are played separately. The play symbols located in the “YOUR LETTERS” area are: the letters A through and including Z. The play symbols located in “GRID 1” and “GRID 2” are: the letters A through and including Z and a PEPPER symbol. The PEPPER symbol is a free spot. The play symbols and their captions located in the “BONUS WORD” play area are: the letters A through and including Z.

4. *Prize Symbols:* The prize symbols and their captions located in the “Red Hot Bonus” prize area of the “BONUS WORD” play area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY) and \$100 (ONE HUN).

5. *Prizes:* The prizes that can be won in “GRID 1” are: \$5, \$10, \$20, \$40, \$100, \$400, \$1,000, \$10,000 and \$50,000. The prizes that can be won in “GRID 2” are: \$5, \$10, \$20, \$50, \$100, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the “Red Hot Bonus” prize area of the “BONUS WORD” area are: \$5, \$10, \$20, \$40, \$50 and \$100. A player can win up to 2 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 13,800,000 tickets will be printed for the Pennsylvania Red Hot Crossword instant lottery game.

7. *Determination of Prize Winners:*

(a) The determination of the prize winners for “GRID 1” are:

(1) Holders of tickets where the player completely matches ten words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$50,000.

(2) Holders of tickets where the player completely matches nine words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely matches eight words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$5,000.

(4) Holders of tickets where the player completely matches eight words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the player completely matches six words in “GRID 1,” using only the letters found in the “YOUR LETTERS” area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the player completely matches seven words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$400.

(7) Holders of tickets where the player completely matches five words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$200.

(8) Holders of tickets where the player completely matches six words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets where the player completely matches four words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$100.

(10) Holders of tickets where the player completely matches three words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets where the player completely matches five words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$40.

(12) Holders of tickets where the player completely matches two words in "GRID 1," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$25.

(13) Holders of tickets where the player completely matches four words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(14) Holders of tickets where the player completely matches three words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(15) Holders of tickets where the player completely matches two words in the "GRID 1," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(b) The determination of the prize winners for "GRID 2" are:

(1) Holders of tickets where the player completely matches ten words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets where the player completely matches nine words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10,000.

(3) Holders of tickets where the player completely matches eight words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$5,000.

(4) Holders of tickets where the player completely matches eight words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$1,000.

(5) Holders of tickets where the player completely matches seven words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$500.

(6) Holders of tickets where the player completely matches six words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets where the player completely matches six words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets where the player completely matches four words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$100.

(9) Holders of tickets where the player completely matches five words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$50.

(10) Holders of tickets where the player completely matches three words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$50.

(11) Holders of tickets where the player completely matches two words in "GRID 2," using only the letters found in the "YOUR LETTERS" area, with a PEPPER symbol appearing in one of the matching words, on a single ticket, shall be entitled to a prize of \$25.

(12) Holders of tickets where the player completely matches four words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$20.

(13) Holders of tickets where the player completely matches three words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$10.

(14) Holders of tickets where the player completely matches two words in the "GRID 2," using only the letters found in the "YOUR LETTERS" area, on a single ticket, shall be entitled to a prize of \$5.

(c) The determination of the prize winners for the "BONUS WORD" play area are:

(1) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$100 (ONE HUN) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$100.

(2) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$50.00 (FIFTY) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$50.

(3) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$40.00 (FORTY) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$20.00 (TWENTY) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$20.

(5) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$10.00 (TEN DOL) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets where the player completely matches the word in the "BONUS WORD" play area, using only the letters found in the "YOUR LETTERS" area, and a prize symbol of \$5.00 (FIV DOL) appears in the "Red Hot Bonus" prize area, on a single ticket, shall be entitled to a prize of \$5.

8. *Game Play Instructions for the Pennsylvania Red Hot Crossword game are:*

(a) The player shall scratch the "YOUR LETTERS" area to reveal 18 letters. For each of the 18 letters revealed in the "YOUR LETTERS" area, the player shall rub the same letter each time it is found in "GRID 1," "GRID 2" and the "Red Hot Bonus" play area. In addition, each PEPPER symbol found in "GRID 1" or "GRID 2" functions as a free spot.

(b) When a player reveals two or more entire words in "GRID 1" or "GRID 2," or one word in the "BONUS WORD" play area, the player is entitled to win a prize as described in Section 7. When a PEPPER symbol appears

in any winning combination of words in "GRID 1" or "GRID 2," the player is entitled to win five times the prize as described in Section 7.

(c) Only the highest prize won in each "GRID" and the highest prize won in the "BONUS WORD" play area will be paid if the ticket meets the criteria established in 61 Pa. Code § 819.213 (relating to ticket validation and requirements).

(d) For purposes of this game, a word must contain at least three letters and cannot be formed by linking letters diagonally or by reading the letters from the bottom to the top.

(e) Every single letter square of a word must be matched and letters combined to form a word must appear in an unbroken horizontal or vertical string of letters in "GRID 1," "GRID 2" and the "BONUS WORD" play area. An unbroken string of letters may include a PEPPER symbol, but cannot be interrupted by a black space. There will only be one word in an unbroken horizontal or vertical string of letters.

(f) Every single letter in the unbroken string must be revealed in "YOUR LETTERS" and must be included to form a word.

(g) The possible complete words for each ticket in the game are shown on "GRID 1," "GRID 2" and the "BONUS WORD" areas. The player must match all of the letters in a possible complete word in order to complete the word.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>GRID 1</i> <i>Win With:</i>	<i>GRID 2</i> <i>Win With:</i>	<i>BONUS WORD</i> <i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 13,800,000 Tickets:</i>
2 WORDS			\$5	15	920,000
	2 WORDS		\$5	15	920,000
2 WORDS		\$5	\$10	60	230,000
3 WORDS			\$10	30	460,000
	3 WORDS		\$10	60	230,000
3 WORDS		\$10	\$20	150	92,000
4 WORDS			\$20	75	184,000
	4 WORDS		\$20	75	184,000
4 WORDS			\$40	300	46,000
4 WORDS	4 WORDS	\$20	\$40	300	46,000
5 WORDS			\$40	600	23,000
5 WORDS			\$50	600	23,000
5 WORDS	3 WORDS	\$10	\$50	600	23,000
PEPPER w/ 3 WORDS			\$50	600	23,000
	PEPPER w/ 3 WORDS		\$50	300	46,000
	5 WORDS		\$50	600	23,000
5 WORDS			\$60	4,800	2,875
	4 WORDS		\$60	6,000	2,300
	4 WORDS	\$40	\$60	6,000	2,300
	3 WORDS	\$50	\$60	6,000	2,300
PEPPER w/ 2 WORDS			\$75	6,000	2,300
PEPPER w/ 2 WORDS			\$50	6,000	2,300
PEPPER w/ 2 WORDS			\$75	6,000	2,300
PEPPER w/ 3 WORDS	PEPPER w/ 2 WORDS		\$75	6,000	2,300

<i>GRID 1</i> Win With:	<i>GRID 2</i> Win With:	<i>BONUS</i> <i>WORD</i> Win With:	Win:	<i>Approximate</i> <i>Odds Are 1 In:</i>	<i>Approximate No.</i> <i>Of Winners Per</i> <i>13,800,000</i> <i>Tickets:</i>
PEPPER w/ 4 WORDS			\$100	1,333	10,350
	5 WORDS	\$50	\$100	3,429	4,025
	PEPPER w/ 4 WORDS		\$100	4,000	3,450
PEPPER w/ 3 WORDS	5 WORDS		\$100	4,000	3,450
PEPPER w/ 3 WORDS	PEPPER w/ 3 WORDS		\$100	1,333	10,350
6 WORDS			\$100	4,000	3,450
6 WORDS	6 WORDS		\$100	4,000	3,450
6 WORDS	6 WORDS		\$200	30,000	460
PEPPER w/ 4 WORDS	PEPPER w/ 4 WORDS	\$100	\$200	30,000	460
PEPPER w/ 5 WORDS			\$200	20,000	690
7 WORDS			\$200	20,000	690
PEPPER w/ 6 WORDS			\$400	8,000	1,725
			\$500	40,000	345
	PEPPER w/ 6 WORDS		\$500	40,000	345
	7 WORDS		\$500	30,000	460
PEPPER w/ 6 WORDS	7 WORDS		\$1,000	60,000	230
8 WORDS			\$1,000	40,000	345
	8 WORDS		\$1,000	40,000	345
PEPPER w/ 8 WORDS			\$5,000	690,000	20
	PEPPER w/ 8 WORDS		\$5,000	690,000	20
9 WORDS			\$10,000	1,380,000	10
	9 WORDS		\$10,000	1,380,000	10
10 WORDS			\$50,000	920,000	15
	10 WORDS		\$100,000	920,000	15

When a "PEPPER" symbol appears in any winning combination of words, win 5 times the corresponding prize found in the prize key.

BONUS WORD: Win revealed "Red Hot Bonus" prize when you completely match all letters of the entire "BONUS WORD".

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Red Hot Crossword instant lottery game tickets.

11. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled

only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Red Hot Crossword, prize money from winning Pennsylvania Red Hot Crossword instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Red Hot Crossword instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

14. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Red Hot Crossword or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 14-1287. Filed for public inspection June 13, 2014, 9:00 a.m.]

FISH AND BOAT COMMISSION

Approved Courses of Instruction in Boating Safety Education

Section 91.6(a)(1) of 58 Pa. Code (relating to Boating Safety Education Certificates) defines a Boating Safety Education Certificate for residents of this Commonwealth as a document issued by the Fish and Boat Commission (Commission) certifying that the person named on the certificate has established proof of competency through the successful completion of a course approved in accordance with 58 Pa. Code § 91.7 (relating to criteria for courses of instruction in boating safety education). Under 58 Pa. Code § 91.7, the Executive Director of the Commission may approve, by notice, boating safety education courses that meet the course criteria established under that section and will publish a list of approved boating safety education courses in the *Pennsylvania Bulletin* on an annual basis or more frequently as required. The Executive Director has approved the following courses in boating safety education for Commonwealth residents, effective July 1, 2014:

- Fish and Boat Commission (classroom course)
- United States Coast Guard Auxiliary (classroom course)
- United States Power Squadrons (classroom course)
- United States Sailing Association (classroom course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (correspondence course)
- BoaterExam America, Inc. (Internet course)
- Kalkomey Enterprises, Inc., d/b/a Boat Ed (Internet course)

For nonresidents, a Boating Safety Education Certificate is a certificate, card or other official document that indicates on the certificate, card or other document successful completion of a course approved by the National Association of State Boating Law Administrators.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 14-1288. Filed for public inspection June 13, 2014, 9:00 a.m.]

GAME COMMISSION

Chronic Wasting Disease—Establishment of Disease Management Area 2 Antlerless Deer Permit Order #1

Executive Order

Whereas, Chronic Wasting Disease (CWD) is an infectious and progressive neurological disease that is found in, and always proves fatal to, members of the family Cervidae (deer, elk or moose, and other susceptible species, collectively called cervids); and

Whereas, The specific cause of CWD is believed to be prions (abnormal infectious protein particles) that are known to be concentrated in the nervous system and lymphoid tissues of infected cervids; and

Whereas, There are no known treatments for CWD infection, no vaccines to protect against CWD infection, and no approved tests that can detect the presence of CWD in live cervids; and

Whereas, CWD has been designated a “dangerous transmissible disease” of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S. §§ 2301 et seq.) at 3 Pa.C.S. § 2321(d); and

Whereas, CWD is known to be transmissible from infected to uninfected cervids by contact with or ingestion of CWD-infected or contaminated cervid parts or materials; and

Whereas, CWD is of particular concern to the Commonwealth of Pennsylvania because it has the potential to have a detrimental impact on both Pennsylvania’s wild and captive cervid populations; and

Whereas, The Pennsylvania Department of Agriculture (PDA) and the Pennsylvania Game Commission (PGC) have detected CWD in captive deer in Adams, Jefferson and York counties; and

Whereas, PDA and PGC have also detected CWD in free-ranging deer in Bedford and Blair counties; and

Whereas, The Game and Wildlife Code (Code) (34 Pa.C.S. §§ 101 et seq.) and regulations promulgated thereunder (58 Pa. Code §§ 131.1 et seq.) collectively provide broad authority to the PGC to regulate activities relating to the protection, preservation, and management of game and wildlife, including cervids; and

Whereas, 58 Pa. Code § 137.34 provides specific emergency authority to the Executive Director of the PGC to take actions to mitigate risk factors and to determine the prevalence and geographic distribution of CWD, including the authority to designate Disease Management Areas and also allow the taking of cervids without regard to established seasons and bag limits and methods of take; and

Whereas, Under this authority the PGC has established three Disease Management Areas (DMAs) in Adams and York counties, Pennsylvania; Bedford, Blair, Cambria and Huntingdon counties, Pennsylvania; and Clearfield and Jefferson counties, Pennsylvania; referred to respectively as “DMA 1,” “DMA 2” and “DMA 3” by Executive Order titled “CHRONIC WASTING DISEASE RESPONSE #3” and dated May 12, 2014; and

Whereas, The PGC has determined that it is now necessary to increase the harvest of antlerless white-tailed deer within affected portions of the wildlife man-

agement units comprising DMA 2 in an effort to avert a population increase and commensurate enhanced risk of disease transmission within same.

Now Therefore, I, R. MATTHEW HOUGH, Executive Director of the Pennsylvania Game Commission, pursuant to the authority vested in me by the Code and regulations promulgated thereunder, do hereby order and direct the following:

1. *General:* This Order does hereby create and implement the DMA 2 Antlerless Deer Permit Program for the 2014/2015 hunting license/permit year. This program will make thirteen-thousand (13,000) permits available to eligible individuals to allow harvest of antlerless deer in DMA 2 during open white-tailed deer seasons in addition to established antlerless license allocations. A nominal number of permits may be issued above this permit allocation to accommodate the remaining number of mail-in applications that are awaiting processing at the end of the application period.

2. *Eligibility:* Only resident or non-resident individuals twelve (12) years of age or older that have previously acquired a valid general hunting license for the 2014/2015 hunting license year are eligible to make application for a DMA 2 Antlerless Deer Permit. Participants in the Mentored Youth and Mentored Adult Hunting Programs are ineligible to make application or participate in this program.

3. *Application:* The PGC will accept electronic or mail-in applications for DMA 2 Antlerless Deer Permits through the PGC's Outdoor Shop. The PGC will process valid applications in the order that they are received and thereafter mail successful applicants their permit, harvest ear tag, report card and related instructional literature.

a. *Required Information:* All application data fields must be completed in full and include the applicant's CID number, first and last name, address and phone or email address.

b. *Cost:* DMA 2 Antlerless Deer Permits will be made available to eligible applicants at a flat cost of \$6.70 for both residents and non-resident applicants. Payment shall be made by credit card or by check or money-order made payable to the "Pennsylvania Game Commission."

c. *Application Drawing Schedule:* Resident and non-resident applications will be processed according to the following schedule until the allocation is fully exhausted:

i. *1st Round:* July 14th through August 3rd, 2014. Only one (1) application per eligible applicant will be accepted.

ii. *2nd Round:* August 4th through August 17th, 2014. Only one (1) application per eligible applicant will be accepted. However, two (2) applications will be accepted from an eligible applicant that did not submit an application in the 1st Round.

iii. *3rd Round:* August 18th until the allocation is exhausted. Unlimited applications per eligible applicant will be accepted until allocation is fully exhausted.

4. *Permit Usage:* DMA 2 Antlerless Deer Permits may be used to harvest antlerless deer only during any open hunting season for white-tailed deer (including antlered deer season) within the affected portion of each Wildlife Management Unit located within DMA 2. Permits must be signed, produced and possessed by the Permittee with all other licensing documentation anytime the Permittee is exercising the permit's privileges. Permits and their harvest tags are nontransferable and may not be possessed in the field by anyone other than the permittee whose name is represented on the permit or harvest tag. Immediately after harvest, before moving the carcass, the Permittee shall complete the DMA 2 Antlerless Deer Harvest Ear Tag associated with the permit and then attach the ear tag only to the ear of the carcass. Removal of High-Risk Parts of the carcass from DMA 2 is prohibited. See Executive Order titled "CHRONIC WASTING DISEASE RESPONSE #3" and dated May 12, 2014 for more information.

5. *Reporting:* Positive or negative reporting, whichever is applicable, is required for all DMA 2 Antlerless Deer Permit holders. Permittees shall report a successful harvest within ten (10) days of a successful kill, otherwise permittees shall report negatively no later than February 5, 2015. Permittees may report electronically through PGC's Outdoor Shop or by the report card that is attached to the DMA 2 Antlerless Deer Permit. Failure to report as required is a violation of this Order and may result in criminal prosecution and render the offending Permittee ineligible to make application for this program the following year should it be extended.

6. The requirements and restrictions of this Order are to be construed as separate from and in addition to any previous or future Executive Orders concerning the importation of high risk cervid parts from areas outside of this Commonwealth or response to CWD within the Commonwealth.

7. This Order shall not be construed in any manner to limit the PGC's authority to establish additional importation, exportation, possession, transportation or testing requirements on cervid parts or materials.

8. Nothing in this Order shall be construed to extend to the regulation of captive cervids held under 3 Pa.C.S. Chapter 27 (relating to the Domestic Animal Law) or the requirements of a lawful quarantine order issued by PDA.

9. This Order is effective immediately and shall remain in effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 29th day of May, 2014.

R. MATTHEW HOUGH,
Executive Director

[Pa.B. Doc. No. 14-1289. Filed for public inspection June 13, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#2-179	Department of Agriculture Regulation Pesticides; Third Party Transactions 44 Pa.B. 2058 (April 5, 2014)	05/05/14	06/04/14

**Department of Agriculture
Regulation #2-179 (IRRC #3050)
Pesticides; Third Party Transactions
June 4, 2014**

We submit for your consideration the following comments on the proposed rulemaking published in the April 5, 2014 *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 Department of Agriculture (Department) to respond to all comments received from us or any other source.

Section 128.3. Fees.—Implementation procedures; Clarity.

This proposal would allow the Department to collect and pass on any additional service charges or costs levied by a contracted state agency or private vendor that provides additional testing opportunities for certified applicator or pesticide dealer manager applicants. Based on conversations with the Department, it is our understand-

ing that the Department will not collect additional service charges or costs associated with the administration of an examination administered by a private vendor. Under this circumstance, the applicant would register to take the examination with the Department and pay the Department the required fees enumerated in this section. The applicant would then pay any additional service charges or costs directly to the private vendor. This understanding conflicts with the new language of Subsection (f)(6) and language in the Regulator Analysis Form and Preamble that indicates the Department will collect and pass on the additional service charges or costs to contracted state agencies and vendors. We ask the Department to provide further clarification on how this provision will be implemented and how an applicant will pay the additional service charges or costs associated with taking a test at the site of a private vendor.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1290. Filed for public inspection June 13, 2014, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the dates 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 the web site at www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#126-4	Philadelphia Parking Authority Taxicab and Limousine Amendments	6/2/14	7/10/14
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Tolled</i>	<i>Public Meeting</i>
#58-24	Pennsylvania High Education Assistance Agency Student Financial Aid	6/3/14	6/19/14

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1291. Filed for public inspection June 13, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Certification as an Independent Review Organization; Long-Term Care Benefit Trigger Determinations; Notice 2014-09

The act of July 9, 2010 (P.L. 362, No. 51) (Act 51) added to the Commonwealth's long-term care insurance laws a provision granting a right to appeal an insurer's determination that a benefit trigger is not met. See section 1111.1 of The Insurance Company Law of 1921 (act) (40 P.S. § 991.1111a). Act 51 also added definitions of "benefit trigger" and "independent review organization" to section 1103 of the act (40 P.S. § 991.1103).

Under the act, an entity must be certified by the Insurance Department (Department) to perform an independent review of benefit trigger determinations. To be certified, an independent review organization (IRO) must: (a) be certified as an IRO in another state, if the other state requires the IRO to meet substantially similar qualifications as those established by the National Association of Insurance Commissioners; or (b) be certified or approved by the Department. To maintain certification, the IRO shall comply with the the Act 51 amendments to the long-term care insurance laws and its representations in its application to the Commonwealth or any other state by which it is certified.

The following organizations have been approved by the Department to perform independent reviews of long-term care benefit trigger determinations:

LTCI Independent Eligibility Review Specialists, LLC
1636 North Cedar Crest Boulevard, Suite 107
Allentown, PA 18104
Telephone: (800) 878-9579
Fax: (484) 661-4757
Contact: Stephen R. La Pierre

National Medical Reviews, Inc.
260 Knowles Avenue, Suite 330
Southampton, PA 18966
Telephone: (215) 352-7800
Fax: (215) 352-7801
Contact: Danielle E. Bontcue, Esq.

MAXIMUS Federal Services, Inc.
11419 Sunset Hills Road
Reston, VA 20190-5207
Telephone: (703) 251-8500
Fax: (703) 251-8240
Contact: David Sherman

(Reviews will be conducted at the following location)

MAXIMUS Federal Services, Inc.
50 Square Drive, Suite 210
Victor, NY 14564
Telephone: (585) 425-5200
Fax: (585) 425-5290

This notice is updated as of June 3, 2014.

Questions regarding this notice may be directed to Carolyn M. Morris, Director, Bureau of Consumer Services at (717) 783-9862 or camorris@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1292. Filed for public inspection June 13, 2014, 9:00 a.m.]

Geisinger Health Plan HMO—Medical; Small Group Transitional Policies; Rate Filing

Geisinger Health Plan HMO submitted a rate filing to increase the medical premium rates for its small group nongrandfathered health plans to be offered to groups renewing August 1 through December 31, 2014. The filing proposes a rate increase of 16.5% and will affect approximately 7,805 members. The proposed rate increase will generate approximately \$4.4 million of additional revenue. The requested effective date of the change is August 1, 2014.

Unless formal administrative action is taken prior to August 12, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, csandersjo@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1293. Filed for public inspection June 13, 2014, 9:00 a.m.]

Geisinger Health Plan HMO—Pharmacy; Small Group Transitional Policies; Rate Filing

Geisinger Health Plan HMO submitted a rate filing to increase the pharmacy premium rates for its small group nongrandfathered health plans to be offered to groups renewing August 1 through December 31, 2014. The filing proposes an average rate increase of 27.7% and will affect approximately 6,154 members. The proposed rate increase will generate approximately \$1.14 million of additional revenue. The requested effective date of the change is August 1, 2014.

Unless formal administrative action is taken prior to August 12, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on the link "PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's regional office in Harrisburg.

Interested parties are invited to submit written or e-mail comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA

17120, csandersjo@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1294. Filed for public inspection June 13, 2014, 9:00 a.m.]

until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1295. Filed for public inspection June 13, 2014, 9:00 a.m.]

Per Diem Charges for Financial Examinations Conducted by the Insurance Department; Notice 2014-06

Under the authority in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges), an updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is hereby adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$465 per day
Actuarial Associate 2	\$465 per day
Actuary 2	\$905 per day
Examiner 1	\$501 per day
Examiner 2	\$609 per day
Examiner 3	\$643 per day
Examination Manager Insurance Company	\$689 per day
Information Systems Examiner Insurance Company	\$563 per day
Information Systems Administrator	\$613 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2-hour units.

This schedule is effective July 1, 2014.

This document supersedes the notice published at 43 Pa.B. 3315 (June 15, 2013) and shall remain in effect

Per Diem Charges for Market Conduct Examinations of Insurance Companies; Notice 2014-07

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner 1	\$555 per day
Examiner 2	\$689 per day
Examiner Manager	\$813 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2014.

This notice supersedes the schedule of per diem charges published at 43 Pa.B. 3315 (June 15, 2013), which prior notice is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1296. Filed for public inspection June 13, 2014, 9:00 a.m.]

Repeal of Outdated *Pennsylvania Bulletin* Notices; Notice 2014-08

The Insurance Commissioner hereby formally repeals the following *Pennsylvania Bulletin* notices. The notices were issued to provide general information, guidance in advance of the promulgation of a regulation or announce a change in law or Insurance Department practice. The insurance industry is now familiar with the information contained in these notices or the information is outdated and no longer relevant or necessary for the proper regulation of the insurance industry in this Commonwealth.

Notice No.	Date	Title
2013-04	05/04/13	Mcare Relocation
2012-02	02/04/12	Workers' Compensation Fund Assessment
2012-01	02/04/12	Mcare Rosemont Office Closing
2011-02	03/19/11	Workers' Compensation Security Fund Assessment
2010-03	06/12/10	2010 Workers' Compensation Security Fund Assessment
2010-01	01/02/10	2009 Workers' Compensation Security Fund Assessment
2008-08	10/18/08	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2008-02	01/12/08	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2007-05	10/27/07	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2006-10	10/28/06	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2005-11	11/19/05	Financial Statement Filing Requirements for 2006

<i>Notice No.</i>	<i>Date</i>	<i>Title</i>
2005-10	10/29/05	Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action
2004-02	04/17/04	Medical Care Availability and Reduction of Error Fund; Calculation of Podiatrist Liability
2002-09	09/21/02	Medical Care Availability and Reduction of Error Fund's Assessment
2002-08	09/14/02	Medical Care Availability and Reduction of Error Fund Administrative Hearings Process

Questions regarding this notice may be addressed to Peter J. Salvatore, Regulatory Coordinator, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429, psalvatore@pa.gov, fax (717) 705-3873.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1297. Filed for public inspection June 13, 2014, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Abandon Rate Gas Beyond the Mains Service

A-2014-2424362 and A-2014-2424432. UGI Penn Natural Gas, Inc. and UGI Utilities, Inc.—Gas Division. Application of UGI Penn Natural Gas, Inc. and UGI Utilities, Inc.—Gas Division for approval to abandon rate gas beyond the mains (GBM) service to certain rate GBM service addresses served by individual propane tanks.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 30, 2014. 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.pa.gov, and at the applicant's business address.

Applicant: UGI Penn Natural Gas, Inc., UGI Utilities, Inc.—Gas Division

Through and By Counsel: Mark C. Morrow, Esquire, Chief Regulatory Counsel, UGI Corporation, 460 North Gulph Road, King of Prussia, PA 19406

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1298. Filed for public inspection June 13, 2014, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA

17105-3265, with a copy served on the applicant by June 30, 2014. 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-2013-2384752. (Amended) Corner Acres Farm Transport, LLC (235 Loop Road, Quarryville, Lancaster County, PA 17566) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

A-2014-2413724. Mount Olivet Enterprises, Inc. (1308 North Keyser Avenue, Scranton, Lackawanna County, PA 18504) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Lackawanna, Luzerne, Wayne and Wyoming, to points in Pennsylvania, and return.

A-2014-2416649. Penn Township Volunteer Emergency Services, Inc. (204 Clover Lane, Hanover, York County, PA 17331) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin and York, to points in Pennsylvania, and return.

A-2014-2417883. Wheels Take You There Transportation Service, LLC (73 Vance Avenue, Sicklerville, NJ 08081) for the right to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2014-2417911. Robert Morris (44334 Warner Road, Titusville, Crawford County, PA 16354) 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 Village of Buells Corners, Crawford County and the Boroughs of Centerville and Spartanburg, Crawford County, to points in Pennsylvania, and return.

A-2014-2418510. Simmons Quality Service Incorporated, t/a Simmons Limousine Service (1433 South Patton Street, Philadelphia, PA 19146) for the right to begin to transport, as a common carrier, by motor vehicle,

persons, in limousine service, from points in the Counties of Delaware, Chester, Bucks and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* James C. Higgins, Esquire, 175 Strafford Avenue, Suite 1, Strafford, PA 19087-3396.

A-2014-2419137. Dossolimousine Services, Inc. (2625 South 69th Street, Philadelphia, PA 19142) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2014-2424608. Rasier-PA, LLC (182 Howard Street #8, San Francisco, CA 94105)—a limited liability company of the State of Delaware—for the right to begin to transport, by motor vehicle, persons in the experimental service of shared-ride network for passenger trips between points in Pennsylvania, excluding those which originate or terminate in the Counties of Beaver, Clinton, Columbia, Crawford, Lawrence, Lycoming, Mercer, Northumberland and Union. *Attorney:* Karen O. Moury, 409 North Second Street, Suite 500, Harrisburg, PA 17101-1357.

A-2014-2419209. Albert Beyer (102 Springville Road, Quarryville, PA 17566) for the right, to transport by motor vehicle, persons, upon call or demand in Lancaster County.

A-2014-2419223. B & C Limousine Service, LLC (985 Donald Drive, Emmaus, PA 18049) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points, within the borough limits of Emmaus, Lehigh County.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2014-2420249. Guardian Angel Ambulance Services, Inc. (P. O. Box 435, West Homestead, PA 15120) for the right to begin to transport, as a contract carrier, by motor vehicle, limited to persons with medical conditions that prevents them from operating a vehicle, between points in Pennsylvania.

Applications of the following for approval to begin operating as a broker for transportation of persons as described under each application.

A-2014-2412692. Children's Choice, Inc. (3000 Market Street, Suite 200, Philadelphia, PA 19104) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania.

A-2014-2419932. MSKP, LLC, t/a MSKP (220 Atlantic Avenue, Sinking Spring, PA 19608) a limited liability company of the Commonwealth of Pennsylvania, for a brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

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-2014-2412304. Donna M. Millan (339 Churchtown Road, Narvon, Lancaster County, PA 17555)—discontinuance of service and cancellation of their certificate—persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County and the portion of Chester County west of Route 10 and west of Route 1, to points in Pennsylvania, and return.

A-2014-2413451. Masilamony Pauliah (730 Saw Creek Estates, Bushkill, Northampton County, PA 18324)—discontinuance of service and cancellation of their certificate—persons in paratransit service, from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return.

A-2014-2419296. Sharp Moving and Transport, LLC (P. O. Box 23, McKean, PA 16412) for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, at A-2010-2155597, authorizing the transportation of household goods in use, from points in the County of Crawford, and from points in said county, to points in Pennsylvania, and return.

Subject to the following restrictions: That no right or privilege is granted to provide service into Allegheny, Armstrong, Beaver, Butler, Cambria, Erie, Fayette, Greene, Lawrence, Washington, Westmoreland Counties, the City of Altoona and within 25 miles of the city limits, the City of Allentown and within 15 miles of the city limits, the City of Easton, the City of Johnstown and within 15 miles of the city limits, and the Borough of Benson, Somerset County.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1299. Filed for public inspection June 13, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-048.1, On-Call Concrete & Masonry Investigations & Repairs, until 2 p.m. on Thursday, July 17, 2014. 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. 14-1300. Filed for public inspection June 13, 2014, 9:00 a.m.]

PENNSYLVANIA BULLETIN

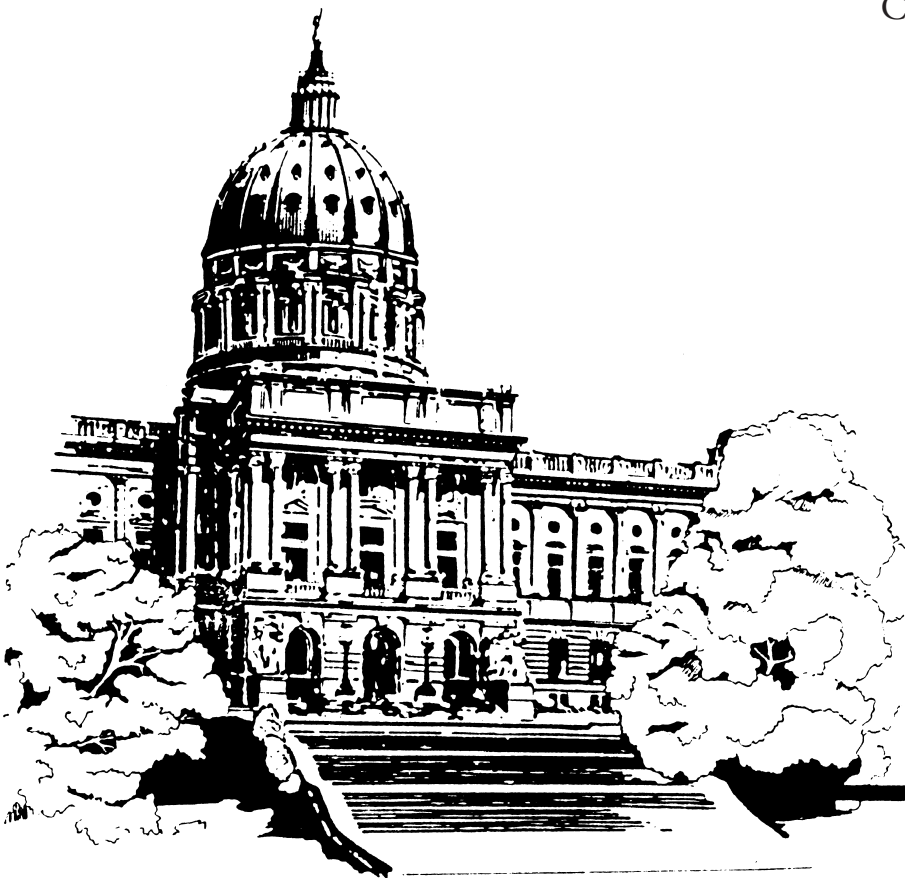
Volume 44

Number 24

Saturday, June 14, 2014 • Harrisburg, PA

Part II

This part contains the
Pennsylvania Public Utility
Commission's Service of Notice
of Motor Carrier Formal
Complaints Notice



NOTICES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due June 30, 2014, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Inmate Communications
Corp.; Doc. No. C-2014-2413875*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Inmate Communications Corp. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Inmate Communications Corp. and maintains its principal place of business at 7107 Valjean Avenue, Van Nuys, CA 91406.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying or transmitting messages or communications by telephone in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 5, 1997, at A-310499, for interexchange carrier reseller authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying or transmitting messages or communications by telephone, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

14. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violation

15. That Respondent failed to demonstrate its gross intrastate operating revenue for the 2012 calendar year in that it did not file an assessment report for that year.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$1,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$1,000 for the above-described violation; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: April 1, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 1, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Penn Eastern Rail
Lines, Inc.; Doc. No. C-2014-2411403*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Penn Eastern Rail Lines, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecuto
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Penn Eastern Rail Lines, Inc. and maintains its principal place of business at 1973 Wellington Drive, Suite 1, Langhorne, PA 19047.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in conveying passengers or property by rail in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 22, 1998, at A-500051, for railroad authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in conveying passengers or property by rail for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 20, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 20, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Southern Blair Emergency Medical Service Inc.;
Doc. No. C-2014-2413886

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Southern Blair Emergency Medical Service Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Southern Blair Emergency Medical Service Inc. and maintains its principal place of business at P. O. Box 594, Claysburg, PA 16625.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 10, 2001, at A-00116925, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—2

18. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$2,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: April 1, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 1, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission’s website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary’s Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—————
*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. The Eagle's Nest, Inc.;*
Doc. No. C-2014-2410766

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against The Eagle's Nest, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is The Eagle's Nest, Inc. and maintains its principal place of business at 77 McCullough Drive, New Castle, DE 19720.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 13, 2005, at A-00121666, for group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 10, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 10, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Eagle Transportation Services, Inc. t/a Eagle Transportation Limo Services;
Doc. No. C-2014-2412461

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Eagle Transportation Services, Inc. t/a Eagle Transportation Limo Services ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Eagle Transportation Services, Inc. t/a Eagle Transportation Limo Services and maintains its principal place of business at 77 McCullough Drive, New Castle, DE 19720.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 19, 2007, at A-00122217, for limousine and group and party 16 or greater authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—2

18. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$2,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 10, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 10, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Transportation Solutions, Inc.; Doc. No. C-2014-2410732

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Transportation Solutions, Inc. ("Respon-

dent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Transportation Solutions, Inc. and maintains its principal place of business at P. O. Box 53039, Pittsburgh, PA 15219, Attention: W. Dwight Mayo.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about November 18, 2008, at A-00123482, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has

jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 10, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my

knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 10, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Sones Transport, Inc.;
Doc. No. C-2014-2410998*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Sones Transport, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Sones Transport, Inc. and maintains its principal place of business at 139 Terry Street, Philipsburg, PA 16866.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 25, 2008, at A-00124025, for paratransit authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,
 Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 10, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 10, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. John G. Kulick t/a Kulick Trucking; Doc. No. C-2014-2411010

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against John G. Kulick t/a Kulick Trucking ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
wascott@pa.gov

4. Respondent is John G. Kulick t/a Kulick Trucking and maintains its principal place of business at P. O. Box 9, Vandling, PA 18421, Attention: John G. Kulick.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 23, 1996, at A-00113340, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—
*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Stony's Trucking
 Company; Doc. No. C-2014-2411050*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Stony's Trucking Company ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Stony's Trucking Company and maintains its principal place of business at 945 Boardman Canfield Road, Youngstown, OH 44512.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 10, 1997, at A-00113604, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Milro Services, Inc.;
Doc. No. C-2014-2411003*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Milro Services, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Milro Services, Inc. and maintains its principal place of business at P. O. Box 2367, Oakland, MD 21550.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 4, 1999, at A-00115825, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Sitton Motor Lines, Inc.,
Doc. No. C-2014-2411043*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Sitton Motor Lines, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Sitton Motor Lines, Inc. and maintains its principal place of business at P. O. Box 2587, Joplin, MO 64804.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 15, 1999, at A-00116406, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Siemens Water
Technologies Transport Corporation; Doc. No.
C-2014-2411032*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Siemens Water Technologies Transport Corporation ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following: Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Siemens Water Technologies Transport Corporation and maintains its principal place of business at 1657 Commerce Drive, Suite 10-B, South Bend, IN 46628.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 23, 2000, at A-00116836, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Gary L. Bricker t/a G. L. Bricker Transport; Doc. No. C-2014-2411023

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Gary L. Bricker t/a G. L. Bricker Transport ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Gary L. Bricker t/a G. L. Bricker Transport and maintains its principal place of business at 6877 Street Highway 173, Cochran, PA 16314, Attention: Gary L. Bricker.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 30, 2000, at A-00116928, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Affinity Logistics Corporation; Doc. No. C-2014-2411038

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Affinity Logistics Corporation ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
wascott@pa.gov

4. Respondent is Affinity Logistics Corporation and maintains its principal place of business at Suite 400 Building D, 533 Johnson Ferry Road, Marietta, GA 30068.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 20, 2005, at A-00117816, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
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Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
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D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Bobby Wholesale
 Distributor, Inc.; Doc. No. C-2014-2411029*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its counsel, and files this Complaint against Bobby Wholesale Distributor, Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Bobby Wholesale Distributor, Inc. and maintains its principal place of business at 2165 Hadonfield Road, Pennsauken, NJ 08110.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 4, 2001, at A-00118428, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 11, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 11, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. CHKE Towing, Inc. t/a Rick's Towing Service; Doc. No. C-2014-2411080

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against CHKE Towing, Inc. t/a Rick's Towing Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is CHKE Towing, Inc. t/a Rick's Towing Service and maintains its principal place of business at P. O. Box 9555, Pittsburgh, PA 15223.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about March 1, 2006, at A-00120383, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. BFL, Inc.;*
Doc. No. C-2014-2411081

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against BFL, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is BFL, Inc. and maintains its principal place of business at 1883 South State Road 161, Rockport, IN 47635.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about October 20, 2004, at A-00121104, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. R&K Trucking, Inc.;*
Doc. No. C-2014-2411082

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against R&K Trucking, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is R&K Trucking, Inc. and maintains its principal place of business at 42 Valley View Lane, Kane, PA 16735.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about January 31, 2005, at A-00121395, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. PLH Erectors, Inc.; Doc. No. C-2014-2411085

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against PLH Erectors, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is PLH Erectors, Inc. and maintains its principal place of business at 195 Airport Road, Suite 101, Selinsgrove, PA 17870.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about July 12, 2005, at A-00121882, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Zech's Towing & Recovery, LLC; Doc. No. C-2014-2410772

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Zech's Towing & Recovery, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Zech's Towing & Recovery, LLC and maintains its principal place of business at 506 Main Street, Dickson City, PA 18519.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property as a common carrier in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about September 14, 2006, at A-001122890, for trucking authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 10, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 10, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Russell J. Forshey t/a Russell's Auto Service; Doc. No. C-2014-2413354

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Russell J. Forshey t/a Russell's Auto Service ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Russell J. Forshey t/a Russell's Auto Service and maintains its principal place of business at Road 2, Box 330, Tyrone, PA 16686, Attention: Russell J. Forshey.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about January 3, 2007, at A-00122898, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 31, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 31, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—
Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Corry L. Benninger t/a Benninger Hauling; Doc. No. C-2014-2411089

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Corry L. Benninger t/a Benninger Hauling ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Corry L. Benninger t/a Benninger Hauling and maintains its principal place of business at 1172 West Stateside Drive, Danielsville, PA 18038, Attention: Corry L. Benninger.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 5, 2006, at A-00123249, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Robert M. Warner, Sr.
 t/a Warner Enterprises; Doc. No. C-2014-2411091*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its counsel, and files this Complaint against Robert M. Warner, Sr. t/a Warner Enterprises (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Robert M. Warner, Sr. t/a Warner Enterprises and maintains its principal place of business at 1374 Jackson Run Road, Warren, PA 16365, Attention: Robert M. Warner, Sr.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about February 6, 2007, at A-00123284, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,
 Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Executive Trking Associates, LLC; Doc. No. C-2014-2411086

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Executive Trking Associates, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
wascott@pa.gov

4. Respondent is Executive Trking Associates, LLC and maintains its principal place of business at 936 Stoystown Road, Somerset, PA 15501.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 9, 2007, at A-00123549, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 12, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 12, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

—————
*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Christopher M. Fish;*
Doc. No. C-2014-2409976

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Christopher M. Fish ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Christopher M. Fish and maintains its principal place of business at 612 South Howard Street, South Williamsport, PA 17702, Attention: Christopher M. Fish.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 21, 2007, at A-00123673, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 13, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 13, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. R.H. Kuhn Co., Inc.;*
Doc. No. C-2014-2410263

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against R.H. Kuhn Co., Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is R.H. Kuhn Co., Inc. and maintains its principal place of business at 2250 Roswell Drive, Pittsburgh, PA 15205.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about June 4, 2007, at A-00123775, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 14, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 14, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Apollo Trade & Transport, Inc.; Doc. No. C-2014-2411510

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Apollo Trade & Transport, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Apollo Trade & Transport, Inc. and maintains its principal place of business at 837 Boardman-Canfield Road, #209, Boardman, OH 44512.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on November 29, 2007 at A-00123942, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 21, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 21, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Friends Towing, Inc.;
Doc. No. C-2014-2410288*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Friends Towing, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Friends Towing, Inc. and maintains its principal place of business at 841 Main Street, Pennsburg, PA 18073.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about November 13, 2007, at A-00124094, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 14, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 14, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Jack A. Lenker, Inc.;
Doc. No. C-2014-2410243

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Jack A. Lenker, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Jack A. Lenker, Inc. and maintains its principal place of business at 799 Limekiln Road, New Cumberland, PA 17070.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 1, 1982, at A-00103738, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 14, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 14, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. J.C., H. & S. Marchese t/a Marchese Brothers; Doc. No. C-2014-2411513

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against J.C., H. & S. Marchese t/a Marchese Brothers ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of this Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is J.C., H. & S. Marchese t/a Marchese Brothers and maintains its principal place of business at 1300 Conshohocken Road, Conshohocken, PA 19428.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about January 30, 1942, at A-00060081, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 21, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 21, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
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Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Anthony S. Pileggi,
 Frank Pileggi and James Pileggi;
 Doc. No. C-2014-2410537*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its counsel, and files this Complaint against Anthony S. Pileggi, Frank Pileggi and James Pileggi (“Respondents”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondents are Anthony S. Pileggi, Frank Pileggi and James Pileggi and maintain their principal place of business at North Wales Road, P. O. Box 1577, North Wales, PA 19454.

5. Respondents are a “public utility” as that term is defined at 66 Pa.C.S. § 102, as they are engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondents a certificate of public convenience on or about May 15, 1980, at A-00101823, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penal-

ties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondents, in transporting property as a common carrier for compensation, are subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondents related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondents an assessment report form for Respondents to report their 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondents that the report was due on or before March 31, 2011.

14. Respondents failed to file an assessment report to show their 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondents an assessment report form for Respondents to report their 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondents that the report was due on or before March 31, 2012.

17. Respondents failed to file an assessment report to show their 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondents an assessment report form for Respondents to report their 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondents that the report was due on or before March 31, 2013.

20. Respondents failed to file an assessment report to show their 2012 calendar year revenues.

Violations

COUNTS 1—3

21. Respondents failed to demonstrate their gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that they did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondents be directed to file assessment reports on a going-forward basis;

(b) Respondents be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondents.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 14, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 14, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Shanahan Transfer & Storage Co.; Doc. No. C-2014-2410599

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Shanahan Transfer & Storage Co. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Shanahan Transfer & Storage Co. and maintains its principal place of business at 1801 Forbes Avenue, Pittsburgh, PA 15219.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 7, 1968 at A-00025407, for household goods carrier and truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—2

18. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$2,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 17, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 17, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. C-Line, Inc.; Doc. No.
 C-2014-2411928*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against C-Line, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is C-Line, Inc. and maintains its principal place of business at P. O. Box 512, Westport, CT 06881-0512.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 21, 1990, at A-00109449, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 24, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 24, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. JBJ Enterprises, Inc. t/a TBJ Trucking; Doc. No. C-2014-2410611

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against JBJ Enterprises, Inc. t/a TBJ Trucking ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is JBJ Enterprises, Inc. t/a TBJ Trucking and maintains its principal place of business at 1503 Brentwood Avenue, Ellwood City, PA 16117.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 25, 1992, at A-00109976, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 17, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 17, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Gary A. Ladigan t/a Gary A. Ladigan Trucking; Doc. No. C-2014-2414450

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Gary A. Ladigan t/a Gary A. Ladigan

Trucking ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
wascott@pa.gov

4. Respondent is Gary A. Ladigan t/a Gary A. Ladigan Trucking and maintains its principal place of business at 5771 Fritzing Road, Germansville, PA 18053, Attention: Gary A. Ladigan.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 13, 2008, at A-2008-2014358, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has

jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

14. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

15. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

17. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—2

18. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$2,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$2,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: April 1, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 1, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
 Investigation and Enforcement v. Jeffrey Allen Dillinger;
 Doc. No. C-2014-2410657*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its counsel, and files this Complaint against Jeffrey Allen Dillinger (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Jeffrey Allen Dillinger and maintains its principal place of business at 364 Hickory Square, Dawson, PA 15428, Attention: Jeffrey Allen Dillinger.

5. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 29, 2008, at A-2008-2026558, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission’s authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement’s proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 17, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 17, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Kramer-Casey Enterprises, Inc.; Doc. No. C-2014-2413352

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Kramer-Casey Enterprises, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Kramer-Casey Enterprises, Inc. and maintains its principal place of business at 24218 Primula Court, Laytonsville, MD 20882, Attention: Scott A. Kramer.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about December 8, 2008, at A-2008-2060667, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 31, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 31, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Trinity Transport, Inc.;
 Doc. No. C-2014-2410803*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Trinity Transport, Inc. ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
 Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.772.8839
 stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Trinity Transport, Inc. and maintains its principal place of business at 105 West Fulton Street, Ephrata, PA 17522, Attention: Chester A. Smucker.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about May 17, 2010, at A-2010-2155871, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 18, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 18, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Over the Top Heavy Hauling, LLP; Doc. No. C-2014-2410804

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Over the Top Heavy Hauling, LLP ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Over the Top Heavy Hauling, LLLP and maintains its principal place of business at RR 2, Box 366, Rome, PA 18837, Attention: John English.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 3, 2010, at A-2010-2187536, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 18, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 18, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Marsden L. Ayres t/a Ayres Trucking & Son; Doc. No. C-2014-2412509

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Marsden L. Ayres t/a Ayres Trucking & Son ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Marsden L. Ayres t/a Ayres Trucking & Son and maintains its principal place of business at 3161 Baileycornes Road, Troy, PA 18832, Attention: Marsden L. Ayres.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 4, 2010, at A-2010-2188594, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corpora-

tion subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 26, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 26, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Marvin B. Jones;
Doc. No. C-2014-2409973*

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Marvin B. Jones ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.783.6150
wascott@pa.gov

4. Respondent is Marvin B. Jones and maintains its principal place of business at 117 North 54th Street, Philadelphia, PA 19139, Attention: Marvin B. Jones.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about April 30, 2007, at A-00123686, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

- (a) Respondent be directed to file assessment reports on a going-forward basis;
- (b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and
- (c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Date: March 13, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 13, 2014

Mandy Freas, Accountant
Assessment Section
Bureau of Administrative Services
PA. Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Kelly Yenny Trucking, LLC; Doc. No. C-2014-2412486

COMPLAINT

Now Comes the Bureau of Investigation and Enforcement ("I&E") of the Pennsylvania Public Utility Commission ("Commission"), by its counsel, and files this Complaint against Kelly Yenny Trucking, LLC ("Respondent"), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of P. O. Box 3265, Harrisburg, PA 17105-3265, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, et seq.

2. Complainant is the Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11).

3. Complainant is represented by:

Stephanie M. Wimer
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265
717.772.8839
stwimer@pa.gov

Wayne T. Scott
 First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 717.783.6150
 wascott@pa.gov

4. Respondent is Kelly Yenny Trucking, LLC and maintains its principal place of business at 10110 Old Route 99, McKean, PA 16426, Attention: Kelly Yenny.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting property in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a certificate of public convenience on or about August 11, 2009, at A-2009-2114821, for truck authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code.

8. Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

9. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission's authority, for violation(s) of the Public Utility Code and/or Commission regulations.

10. Respondent, in transporting property as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

12. On or about February 15, 2011, the Commission mailed to Respondent an assessment report form for Respondent to report its 2010 calendar year revenues.

13. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2011.

14. Respondent failed to file an assessment report to show its 2010 calendar year revenues.

15. On or about February 16, 2012, the Commission mailed to Respondent an assessment report form for Respondent to report its 2011 calendar year revenues.

16. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2012.

17. Respondent failed to file an assessment report to show its 2011 calendar year revenues.

18. On or about February 7, 2013, the Commission mailed to Respondent an assessment report form for Respondent to report its 2012 calendar year revenues.

19. The assessment report form was accompanied by a letter, which notified Respondent that the report was due on or before March 31, 2013.

20. Respondent failed to file an assessment report to show its 2012 calendar year revenues.

Violations

COUNTS 1—3

21. That Respondent failed to demonstrate its gross intrastate operating revenues for the 2010, 2011 and 2012 calendar years in that it did not file assessment reports for those years.

If proven, this is a violation of Section 510(b) of the Public Utility Code, 66 Pa.C.S. § 510(b). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$3,000.

Wherefore, for all the foregoing reasons, the Bureau of Investigation and Enforcement of Pennsylvania Public Utility Commission respectfully requests that:

(a) Respondent be directed to file assessment reports on a going-forward basis;

(b) Respondent be ordered to pay a civil penalty of \$3,000 for the above-described violations; and

(c) If payment of the civil penalty is not made, the Bureau of Investigation and Enforcement requests that the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent.

Respectfully submitted,

Stephanie M. Wimer
 Prosecutor
 Bureau of Investigation & Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Date: March 25, 2014

VERIFICATION

I, Mandy Freas, Accountant, Bureau of Administrative Services, Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: March 25, 2014

Mandy Freas, Accountant
 Assessment Section
 Bureau of Administrative Services
 PA. Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Clair Zimmerman & Debra Sensenig Copts t/a C&D Medical Transport; Doc. No. C-2014-2408118

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are

prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Clair Zimmerman & Debra Sensenig Copts t/a C&D Medical Transport, (respondent) is under suspension effective March 28, 2012 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Box 15, Terre Hill, PA 17581.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 3, 2010, at A-6411357.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6411357 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 3/4/2014

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the

mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

C. Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

F. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord Certificates of Insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

G. The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

H. Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

I. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

J. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

K. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

L. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

M. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Taw Trucking, Inc.;
Doc. No. C-2014-2409533*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Taw Trucking, Inc., (respondent) is under suspension effective February 1, 2014 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 894 Bessemer Street, Meadville, PA 16335.

3. That respondent was issued a Certificate of Public Convenience by this Commission on October 22, 2003, at A-00118303, F.2.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00118303, F.2 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

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Date: 3/11/2014

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

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ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1301. Filed for public inspection June 13, 2014, 9:00 a.m.]
