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See Part II page 2103
for the Commission on Sentencing's
Proposed 7th Edition Sentencing
Guidelines, Amendment 5; Proposed
Resentencing Guidelines

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(Master Transmittal Sheet):**

No. 533, April 2019

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Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published weekly. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. It is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations, Statewide court rules, and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, rescission, repeal or emergency action, must be published in the *Pennsylvania Bulletin*.

The following documents are published in the *Pennsylvania Bulletin*: Governor's Executive Orders; 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 rescind regulations must first publish in the *Pennsylvania Bulletin* a Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The 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. A Final Rulemaking must be published in the *Pennsylvania Bulletin* before the changes can take effect. If the agency wishes to adopt changes to the 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, Statewide court rules and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes when they are adopted. 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.

How to Find Rules and Regulations

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.

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

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Printing Format

Rules, Regulations and Statements of Policy in Titles 1—107 of the Pennsylvania Code

Text proposed to be added is printed in **underscored bold face**. Text proposed to be deleted is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and sections are printed in regular type to enhance readability. Final rulemakings and statements of policy are printed in regular type.

Ellipses, a series of five asterisks, indicate text that is not amended.

In Proposed Rulemakings and proposed Statements of Policy, existing text corresponds to the official codified text in the *Pennsylvania Code*.

Court Rules in Titles 201—246 of the Pennsylvania Code

Added text in proposed and adopted court rules is printed in **underscored bold face**. Deleted text in proposed and adopted court rules is enclosed in brackets [] and printed in **bold face**.

Proposed new chapters and rules are printed in regular type to enhance readability.

Ellipses, a series of five asterisks, indicate text that is not amended.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires the Governor's Budget Office to prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions and authorities receiving money from the State Treasury. The fiscal note states whether the action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions. The fiscal note is required to be published in the *Pennsylvania Bulletin* at the same time as the 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; and (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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, 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 item (8) the recommendation, if any, made by the Secretary of the Budget is published with the fiscal note. "No fiscal impact" means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended. See 4 Pa. Code Chapter 7, Subchapter R (relating to fiscal notes).

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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 2019.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7a]

[EXECUTIVE ORDER NO. 2019-02]

Keystone Economic Development and Workforce Command Center

February 19, 2019

Whereas, Pennsylvania must become a national and international leader in workforce and economic development as we face a changing economy and new demands on our workers and businesses; and

Whereas, leaders in the Commonwealth, the General Assembly, the business community, and the labor community are committed to deploying all necessary resources to improve its workforce and economic development programs and conditions; and

Whereas, Pennsylvania's economic future depends on a well-educated and highly-trained workforce; and

Whereas, Pennsylvania businesses must have confidence to fill job vacancies with skilled workers in order to be productive economic engines; and

Whereas, Pennsylvania's current low unemployment rate has resulted in a tight labor market and a shortage of applicants; and

Whereas, Pennsylvania's declining population and anticipated retirement boom presents an urgent need to attract and retain more skilled workers; and

Whereas, many Pennsylvania workers are employed in low-wage jobs; and

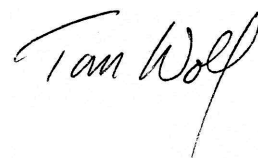
Whereas, Pennsylvania workers and job-seekers need adequate training to develop skills required to be employed and to advance in today's workforce; and

Whereas, the Commonwealth of Pennsylvania can serve as an incubator of innovative ideas to develop Pennsylvania's economy and workforce so that it can meet these challenges; and

Whereas, Commonwealth agencies must connect initiatives, align resources and efforts to address the needs of both job seekers and employers; and

Whereas, public-private partnerships can serve as a model of excellence to tackle the common goal of making Pennsylvania's workforce the best in the nation.

Now, Therefore, I, Tom Wolf, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish, in the Office of the Governor, the Keystone Economic Development and Workforce Command Center as hereinafter set forth.



Governor

Fiscal Note: GOV-2019-02. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 7a. ADDITIONAL MISCELLANEOUS PROVISIONS

Subchapter P. KEYSTONE ECONOMIC DEVELOPMENT
AND WORKFORCE COMMAND CENTER

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7a.180.	Effective date.

§ 7a.171. Purpose.

The Keystone Economic Development and Workforce Command Center will address the Commonwealth's workforce challenges by convening a public-private partnership to target collectively public programs and resources to address the Commonwealth's workforce shortage and talent needs, recommend action to reduce or eliminate impediments to employment and better align the Commonwealth's resources and private sector needs to position this Commonwealth as the keystone for a skilled workforce and competitive business climate.

§ 7a.172. Responsibilities.

The Keystone Economic Development and Workforce Command Center shall be responsible for the following:

a. Identify impediments to employment, including but not limited to those that are imposed by the Commonwealth's regulations and practices, such as licensure, certification and continuing education requirements.

b. Develop proposals and recommendations that minimize barriers to employment, modernize the workforce and improve the business climate in this Commonwealth.

c. Identify successful models from the public and private sectors that address a worker's need for access to a broad range of supports.

d. Define and implement coordinated strategies across Commonwealth agencies to improve talent attraction and retention in critical industries within this Commonwealth including, but not limited to health care, education, agriculture, manufacturing, technology and innovation, and other targeted sectors.

e. Monitor implementation of the Governor's priorities, policies and initiatives related to workforce development.

f. Engage and partner with other stakeholders, including but not limited to businesses, trade organizations, philanthropic and community organizations, to carry out the functions described herein.

g. Review and, where appropriate, implement recommendations from the Auditor General's 2019 audit of the Commonwealth's workforce development system.

h. Develop workforce and economic development goals and track implementation and progress through the development of a dashboard.

§ 7a.173. Composition.

The Keystone Economic Development and Workforce Command Center (Center) shall be composed of an Executive Committee and representatives from the executive branch as described herein.

a. *Executive Committee.* The Center shall be led by an Executive Committee consisting of the following:

(1) A representative from each of the following private sector entities:

(a) Pennsylvania Chamber of Business and Industry;

(b) The Pennsylvania American Federation of Labor and Congress of Industrial Organizations (AFL-CIO); and

(c) Team Pennsylvania Foundation.

(2) The following Commonwealth officials:

(a) Secretary of the Department of Community and Economic Development or designee;

(b) Secretary of the Department of Labor and Industry or designee; and

(c) Secretary of the Department of State or designee.

b. *Additional Members.* Other members of the Center include;

(1) A representative from each of the following:

(a) The Office of the Auditor General, in its capacity as a Commonwealth entity responsible for improving government accountability, transparency and the effective use of taxpayer dollars; in this case as it relates to the workforce and economic development strategies undertaken by the Center; and

(b) The State Workforce Development Board, in its capacity as the Commonwealth's private sector policy advisor on building a strong workforce development system aligned with economic development goals.

(2) The following Commonwealth officials:

(a) Secretary of the Department of Education or designee;

(b) Secretary of the Department of Human Services or designee;

(c) Secretary of the Department of Agriculture or designee; and

(d) Secretary of the Department of Corrections or designee.

c. All agencies under the Governor's jurisdiction that are members of the Center shall cooperate and provide assistance as needed to the Center in performing its functions. The Center will receive administrative services and assistance from the Department of Community and Economic Development.

§ 7a.174. Executive Director.

a. The Governor shall appoint an Executive Director to oversee the Keystone Economic Development and Workforce Command Center's (Center) operations who shall serve at the pleasure of the Governor.

b. The Executive Director shall report directly to the Secretary of the Department of Community and Economic Development.

c. The Executive Director shall regularly convene meetings with the Executive Committee and members to ensure the Center is meeting the Center's purpose as defined under Center responsibilities.

d. The Executive Director in consultation with the Secretary of the Department of Community and Economic Development may hire such staff as may be needed to carry out the functions described in this subchapter.

§ 7a.175. Compensation.

Members of the Keystone Economic Development and Workforce Command Center shall receive no compensation for their service, except that members may be reimbursed for travel and related expenses in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

§ 7a.176. Responsibilities of State agencies.

Agencies whose industry sectors are facing significant workforce shortage or whose consumer populations are facing barriers to entry and retention, or both, shall cooperate with, provide assistance to, and review recommendations of the Keystone Economic Development and Workforce Command Center with respect to the Center's purpose and responsibilities, as set forth in this subchapter.

§ 7a.177. Reports.

The Keystone Economic Development and Workforce Command Center (Center) shall submit an annual report to the Governor or the Governor's designee, and other reports as the Center deems necessary, on the identified areas of responsibility for the Center, and overall issues affecting workforce and economic development including workforce shortages and barriers to work in the Commonwealth.

§ 7a.178. Committees.

The Executive Committee shall have the authority to establish, appoint members and delegate duties to committees as it deems necessary to fulfill the Keystone Economic Development and Workforce Command Center's (Center) duties and responsibilities. All committees shall be chaired by a member of the Center.

§ 7a.179. Implementation.

All Commonwealth agencies under the Governor's jurisdiction are directed to take all steps necessary to implement this subchapter. Independent agencies are also strongly encouraged to implement this subchapter.

§ 7a.180. Effective date.

This subchapter shall take effect immediately and shall remain in effect until amended or rescinded by the Governor.

[Pa.B. Doc. No. 19-606. Filed for public inspection April 26, 2019, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 515 Judicial Adminis- tration Doc.

Order

Per Curiam:

And Now, this 10th day of April, 2019, it is Ordered pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The Financial Regulations are effective April 28, 2019.

To the extent that notice of proposed rulemaking may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interest of efficient administration.

This Order is to be processed in accordance with Pa.R.J.A. No. 103(b) and is effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter I. BUDGET AND FINANCE

§ 29.353. General Principles.

The Supreme Court of Pennsylvania, pursuant to general authority set forth by Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized the Court Administrator of Pennsylvania to promulgate regulations in accordance with all applicable statutory provisions pertaining to the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the Common Pleas Criminal Court Case Management System (CPCMS), and the Magisterial District Courts, which use the Magisterial District Judge System (MDJS).

These regulations are effective April 28, 2019.

I. Schedule for standard distribution of funds collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS.

A. All fines, fees, costs, reparations, restitution, penalties and other remittances imposed and collected by the Criminal Division of the Courts of Common Pleas, Philadelphia Municipal Court, any other entity on behalf of the Court using the CPCMS, and the Magisterial District Courts, which use the MDJS, shall be distributed in the following prioritized order:

1. The collection agency fee provided for in 42 Pa.C.S. § 9730.1 shall be paid first, but only in cases wherein the private collection agency has secured the funds from the defendant or a third party and the payment is made to the court. No more than 25% of each payment secured from the defendant by the private collection agency may be applied towards this fee.

2. The Crime Victim's Compensation Fund and Victim Witness Services Fund shall be paid, but only in cases in which the defendant has been sentenced to incarceration, probation or is admitted into an accelerated rehabilitative disposition program (see 18 P.S. § 11.1101). Otherwise, these costs shall be distributed in accordance with subsection (A)(6) of these regulations.

3. At least 50% of any additional payment shall go to restitution until it is paid in full (see 42 Pa.C.S. § 9728(g.1)). When restitution is ordered to more than one recipient at the same time, the court shall set the priority of payment as follows, in accordance with 18 Pa.C.S. § 1106(c)(1)(ii)(A)—(G):

i. Any individual.

ii. Any affected government agency. The term "affected government agency" is defined as the Commonwealth, a political subdivision or local authority that has sustained injury to property. The term "injury to property" is defined as loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

iii. The Crime Victim's Compensation Board.

iv. Any other government agency that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

v. Any insurance company that has provided reimbursement to the victim as a result of the defendant's criminal conduct.

vi. Any estate or testamentary trust.

vii. Any business entity organized as a nonprofit or not-for-profit entity.

viii. Any other business entity. The term "business entity" is defined as a domestic or foreign: business corporation, nonprofit corporation, general partnership, limited partnership, limited liability company, unincorporated nonprofit association, professional association or business trust, common law business trust or statutory trust. See Section 1106(h) of the Crimes Code, 18 Pa.C.S. § 1106(h).

4. Judicial Computer Project/Access To Justice/Criminal Justice Enhancement Account (JCS/ATJ/CJEA) Fee (see 42 Pa.C.S. §§ 3733(a.1) and 3733.1; 71 P.S. § 720.102; and 72 P.S. § 1795.1-E).

5. Electronic monitoring fees, offender supervision fees (as set forth in 18 P.S. § 11.1102(c)), alcohol highway safety school fees, service fees (such as sheriff's fees set forth in 42 P.S. § 21101 et seq., and constable's fees set forth in 44 Pa.C.S. §§ 7161 and 7161.1), transcript fees, witness fees (as provided for in 42 Pa.C.S. § 5903), and other similar fees shall be paid based upon a pro-rated formula, unless the fees are prioritized by court order or the judicial district. The Administrative Office of Pennsylvania Courts may preclude a fee from being classified as an "other similar fee." The amount of the payment

allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in electronic monitoring fees, \$10.00 in offender supervision fees, and \$10.00 in service fees, for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to electronic monitoring fees, divide the outstanding balance of the electronic monitoring fee (\$80.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .8 (80/100). Multiply the resulting figure by the amount of the payment to determine the allocation to electronic monitoring fees, which in this example is \$8.00 ($.8 \times \$10.00 = \8.00).

6. All other fines, fees, costs, reparations, penalties and other remittances, except for judgment or satisfaction fees, shall be distributed based upon a pro-rated formula. Specifically, the amount of the payment allocated to each outstanding item shall be determined by dividing the outstanding balance for the individual item by the combined total of the outstanding balances for all items. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual item involved.

For example, a defendant owes \$80.00 in costs, \$10.00 in fines, and \$10.00 in fees, for a total of \$100.00 in outstanding costs, fines and fees. Defendant makes a payment of \$20.00 in his/her case. To determine the amount to be allocated to the fines, divide the outstanding balance of the fines (\$10.00) by the combined total outstanding balances of all items ($\$80.00 + 10.00 + 10.00 = \100.00). The result in this example is .1 (10/100). Multiply the resulting figure by the amount of the payment to determine the allocation to the fines, which in this example is \$2.00 ($.1 \times \$20.00 = \2.00).

7. Fees charged by the clerk of courts, prothonotary, other entity in the county responsible for the distribution and disbursement of all fines, fees, costs, reparations, restitution, penalties, or other remittances, or the Clerk of Philadelphia Municipal Court for the entry or satisfaction of a civil judgment related to a criminal proceeding, as set forth in 42 Pa.C.S. § 1725 and 42 P.S. §§ 21042 and 21071, shall be paid last. The amount of the payment allocated to each fee shall be determined by dividing the outstanding balance for the individual fee by the combined total of the outstanding balances for both fees. The resulting number is then multiplied by the amount of the payment to determine how much of the payment shall be allocated to the outstanding balance of the individual fee involved.

For example, a defendant owes \$60.00 in judgment fees and \$40.00 in satisfaction fees for a total of \$100.00 in outstanding fees. Defendant makes a payment of \$10.00 in his/her case. To determine the amount to be allocated to judgment fees, divide the outstanding balance of the judgment fees (\$60.00) by the combined total outstanding balances of all items ($\$60.00 + 40.00 = \100.00). The result in this example is .6 (60/100). Multiply the resulting figure by the amount of the payment to determine the allocation to judgment fees, which in this example is \$6.00 ($.6 \times \$10.00 = \6.00).

B. Each payment shall be applied to a single case, unless otherwise ordered by the court.

II. The county probation department or other agent designated to collect all fines, fees, costs, reparations, restitution, penalties and other remittances pursuant to 42 Pa.C.S. § 9728 shall use the CPCMS when performing collection-related activities.

III. Nothing in these regulations shall be applicable to the collection and/or distribution of any filing fee that is authorized by law. Filing fees shall include but not be limited to the clerk of courts automation fee set forth in 42 Pa.C.S. § 1725.4(b).

[Pa.B. Doc. No. 19-607. Filed for public inspection April 26, 2019, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Amendment of Philadelphia Municipal Court Criminal Rule 540. Preliminary Arraignment; Administrative Order No. 08 of 2019

Order

And Now, this 8th day of April 2019, it is hereby Ordered and Decreed that Philadelphia Municipal Court Criminal Rule 540. Preliminary Arraignment is amended, as follows, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), this Administrative Order and the proposed local rule were submitted to the Supreme Court of Pennsylvania Criminal Procedural Rules Committee for review, and written notification has been received from the Rules Committee certifying that the amendment of the proposed local rule is not inconsistent with any general rule of the Supreme Court. This Administrative Order and the following amended local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this Administrative Order and the following amended local rule, as well as one copy of the Administrative Order and local rule, shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order and local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at www.philacourts.us, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order and local rules shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE PATRICK F. DUGAN,
President Judge
Philadelphia Municipal Court

Amendment to Rule 540. Preliminary Arraignment.

Note: New text is bold and underscored.

Rule 540. Preliminary Arraignment.

(A) Preliminary arraignments shall be held 24/7/365, at the Justice Juanita Kidd Stout Center for Criminal Justice, in accordance with Pa.R.Crim.P. No. 540. Information available to the Arraignment Court Magistrate through PARS may be relied upon by the Arraignment Court Magistrate, shall be included in the case file, and shall be accessible by the parties and the public as provided by the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania. The Arraignment Court Magistrate shall include in the case file documentary exhibits, if any, introduced by the Commonwealth or defense counsel.

(B) Hospital bedside preliminary arraignments may be conducted between 7:00 AM and 7:00 PM (or at such other times as authorized by the President Judge from time to time), in person or by using two-way simultaneous audio-visual communications as directed by the issuing authority or Arraignment Court Magistrate. Police shall direct all requests for bedside preliminary arraignments to the assigned Arraignment Court Magistrate at the Justice Juanita Kidd Stout Center for Criminal Justice.

Comment: The Pennsylvania Rules of Criminal Procedures only require the recording and transcription of court proceedings after the preliminary arraignment. See Pa.R.Crim.P. No. 1012(A) and Pa.R.Crim.P. No. 115. Accordingly, preliminary arraignments conducted by Arraignment Court Magistrates will not be recorded or transcribed. However, the President Judge of the Philadelphia Municipal Court may direct that preliminary arraignments conducted by Arraignment Court Magistrates be recorded solely for quality control purposes. These recordings shall not be deemed a public record and shall not be available, discoverable or offered in evidence in any proceeding.

Note: Former Rule 550 rescinded and new rule adopted by the Municipal Court Board of Judges on November 18, 2005; effective March 15, 2006. Rule renumbered as Rule 540 and amended on May 14, 2018; effective July 1, 2018. **Comment added by P.J. Administrative Order No. 08 of 2019 issued on April 8, 2019; effective , 2019.**

[Pa.B. Doc. No. 19-608. Filed for public inspection April 26, 2019, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Collection Fee and Late Payment Penalty; 2019-2020 Registration Year

Notice is hereby given that in accordance with Pennsylvania Rules of Disciplinary Enforcement 219(d)(2) and 219(f), The Disciplinary Board of the Supreme Court of Pennsylvania has established the collection fee for checks returned as unpaid and the late payment penalty for the 2019-2020 Registration Year as follows:

Where a check in payment of the annual registration fee for attorneys has been returned to the Board unpaid, the collection fee will be \$100.00 per returned item.

Any attorney who fails to complete registration by July 16 shall be automatically assessed a non-waivable late payment penalty of \$200.00. A second non-waivable late payment penalty of \$200.00 shall be automatically added to the delinquent account of any attorney who has failed to complete registration by August 1.

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 19-609. Filed for public inspection April 26, 2019, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated March 13, 2019, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective April 12, 2019 for Compliance Group 2.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been administratively suspended by said Order, was published in the appropriate county legal journal.

Barfield, William Henry
Houston, TX

Barmak, David Scott
West Windsor, NJ

Bowser, Renee Luvonia
Washington, DC

Brewington, Dana
Chevy Chase, MD

Bridges, Alfred Wesley, Jr.
Bordentown, NJ

Brown, Stephanie Julia
Williamstown, NJ

Carbone, Patricia Livia
Robbinsville, NJ

Cogswell, Anthony L.
Washington, DC

Constanzer, Amanda Marie
Centreville, VA

Courtney, William James
Whitehouse Station, NJ

Dakhari, Eric D.
Cherry Hill, NJ

Dougherty, Michael T.
Chevy Chase, MD

Drago, Kelly K.
Jamestown, NY

Fornias, Edward J., III
Wilmington, DE

Haley, Sarah B.
Deptford, NJ

2000

THE COURTS

Harrington, James Patrick
New Bedford, MA

Harris, Dietrich Andrew
Irvington, NJ

Ince, Mary Ann Rapp
Colleyville, TX

Jacob, Frederick Albert
Millville, NJ

Jorge, Aisha Tyice
Columbia, MD

Karson, Miles K., III
Washington, DC

Levow, Evan M.
Cherry Hill, NJ

Maloney, Nekeshia Maria
Baltimore, MD

Milavsky, Eric David
Minden, NV

Mollenthiel, Ashley Theresa
Mount Laurel, NJ

Nash, Stephen Payn
Denver, CO

Osivandi, Cedri
Switzerland

Pattanite, Michael Anthony, Jr.
Lawrenceville, NJ

Peltonen, Laura Katherine Ann
Cherry Hill, NJ

Pomerantz, Michael D.
Haddon Township, NJ

Quinsey, Carmen Denise
Pembroke Pines, FL

Quirke, Joh Patrick
Skillman, NJ

Sbargo, Jean Karen
Wilmington, DE

Yao, Jeffrey Brunelle
Weatogue, CT

Zeitler, Michael Thomas
Silver Spring, MD

SUZANNE E. PRICE,
Attorney Registrar

[Pa.B. Doc. No. 19-610. Filed for public inspection April 26, 2019, 9:00 a.m.]

RULES AND REGULATIONS

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 171a]

School Bus Side Stop Signal Arm Enforcement Systems; Temporary Regulations

The Department of Transportation (Department) under authority of 75 Pa.C.S. §§ 3345-3345.1 (relating to meeting or overtaking school bus; and enforcement of failure to stop for school bus with flashing red lights) promulgates 67 Pa. Code Chapter 171a (relating to school bus side stop signal arm enforcement systems—temporary regulations) as temporary regulations pertaining to the certification and use of school bus side stop signal arm enforcement systems (systems) to read as set forth in Annex A.

Purpose

The purpose of Chapter 171a (relating to school bus side stop signal arm enforcement systems) is to set forth temporary regulations governing the certification and use of systems. Section 1(j) of 75 Pa.C.S. § 3345.1(j) grants authority to the Department to promulgate temporary regulations to carry out the purpose of this chapter.

Significant Provisions of this Temporary Rulemaking

Significant provisions of Chapter 171a include:

Sections 171a.1 and 171a.2 (relating to purpose; and definitions) set forth the purpose of the chapter and definitions, respectively. The definitions applicable to the temporary rulemaking are consistent with the definitions set forth in 75 Pa.C.S. § 3345.1(m), except where there is a need to define a term not defined by statute or where the context necessitates a different meaning.

Section 171a.3 (relating to system certification) establishes the minimum system requirements, the processes for approval of systems including systems already in use, the location of where approved systems will be posted on the Department's web site and the processes for decertification of systems. Notably, minimum system requirements delineate several technical requirements that systems must possess to comply with the limitations and plain meaning of the act.

Section 171a.4 (relating to system use) sets forth criteria for system use, including required certification, installation, testing, operation and repair of systems, records of inspection and compliance, required documentation and the use and destruction of recorded images produced by the systems (Recorded Images).

Persons and Entities Affected

These temporary regulations will affect school districts and school-related entities throughout this Commonwealth that seek to certify and use systems. Such school districts and school-related entities, including companies that provide pupil transportation under contract with school-related entities (collectively, school entities) will be required to operate systems under 75 Pa.C.S. § 3345.1 and be required to dispose of Recorded Images. Moreover, the motoring public and pupils will benefit from systems installed in furtherance of enforcing 75 Pa.C.S. (relating to Vehicle Code) to ensure the safety of motorists and pedestrians.

Fiscal Impact

School entities are not required to install systems but for those that elect to do so, system costs differ significantly between multiple device systems with interconnectivity and individual system units. In reviewing available public data and speaking with school entities, costs on average are between \$1,000 to \$2,000 per school entity vehicle, and can be significantly more or less based on selected features.

No budgetary impacts to the Department are anticipated, as existing staff and resources will support the initial implementation of the act.

Future implementation of the grant program authorized by the act and final-form regulations governing the certification and use of systems will be addressed in a forthcoming rulemaking.

Regulatory Review

Under 75 Pa.C.S. § 3345.1(j)(3), the Department is authorized to promulgate temporary regulations to facilitate the prompt implementation of the act. These temporary regulations adopted by the Secretary are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732-204(b)).

It is hereby ordered that these temporary regulations shall be effective upon publication in the *Pennsylvania Bulletin*, subject to the sunset provisions set forth as follows.

Sunset Provisions

Under 75 Pa.C.S. § 3345.1(j)(3), these temporary regulations expire upon promulgation of a final-form regulation, or no later than 3 years from October 24, 2018.

Contact Person

The contact person for these temporary regulations is Daniel P. Farley, PE, Section Chief, Bureau of Maintenance and Operations, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, (717) 783-0333.

LESLIE S. RICHARDS,
Secretary

Fiscal Note: 18-480. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 171a. SCHOOL BUS SIDE STOP SIGNAL ARM ENFORCEMENT SYSTEMS—TEMPORARY REGULATIONS

Sec.	
171a.1.	Purpose.
171a.2.	Definitions.
171a.3.	System certification.
171a.4.	System use.

§ 171a.1. Purpose.

This chapter sets forth temporary regulations for the certification and use of school bus side stop signal arm enforcement systems.

§ 171a.2. Definitions.

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

Manufacturer—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m) (relating to enforcement of failure to stop for school bus with flashing red lights).

Pupil transportation—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Recorded image(s)—A static or full motion photographic or digital image recorded by a system that depicts the front or the rear of a motor vehicle.

School entity—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

School bus—This term shall have the same meaning given that term in 75 Pa.C.S. § 102 (relating to definitions), as amended.

Side stop signal arm enforcement system—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Side stop signal arms—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m) and § 4552(b.1) (relating to general requirements for school buses).

System—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

Vendor—This term shall have the same meaning given that term in 75 Pa.C.S. § 3345.1(m).

§ 171a.3. System certification.

(a) *Minimum Requirements.* A system must:

(1) Include hardware with two or more camera sensors and computers capable of producing accurate Recorded Images.

(2) While flashing red lights are activated on a school bus, be capable of capturing Recorded Images of any motor vehicle operated in violation of 75 Pa.C.S. § 3345(a) (relating to meeting or overtaking school bus), with at least one Recorded Image depicting the license plate number and state of issuance of the motor vehicle.

(3) Automatically activate when the school bus driver or operator engages the stop signal arm and red signal lights for a school bus stop.

(4) Produce a Recorded Image displaying or be capable of confirming the date, time and place of an alleged violation of 75 Pa.C.S. § 3345(a).

(5) Include the capability to prohibit automated or user-controlled remote surveillance by means of recorded video.

(6) Include vandal-resistant housing covers for exterior cameras.

(7) Include hardware storage or cloud-based storage capable of storing Recorded Images and be capable, internally or in conjunction with removable media, of retaining Recorded Images of an alleged violation of 75 Pa.C.S. § 3345(a).

(8) Be capable of producing all Recorded Images to the school entity or a contracted company that provides pupil transportation no later than 24 hours after an alleged violation of 75 Pa.C.S. § 3345(a).

(b) *Approval of Systems.* A Manufacturer or Vendor seeking certification of a system must submit a request for certification to the Department of Transportation (Department) on its letterhead confirming the make and model of the system and how the system meets the minimum requirements of subsection (a). The Department shall review and approve applications for certification in writing, which shall be effective upon issuance to the Manufacturer or Vendor and publication on the Department's web site, available at <https://www.penndot.gov/TravelInPA/Safety/TrafficSafetyAndDriverTopics/Pages/School-Bus-Safety.aspx>.

(c) *Approved Systems.* A list of systems approved under § 171a.3(b) shall be published on the Department's web site, available at <https://www.penndot.gov/TravelInPA/Safety/TrafficSafetyAndDriverTopics/Pages/School-Bus-Safety.aspx>. A school entity or a contracted company that provides pupil transportation may utilize any approved system.

(d) *Approval of Systems Already in Use.* All requests for certification of systems installed prior to April 24, 2019, must be submitted to the Department within 6 months of the effective date of these temporary regulations.

(e) *Decertification of System.* If the Department determines a system approved under subsection (b) no longer meets the minimum requirements of subsection (a) or for other good cause shown, the Department may rescind certification of the system, providing notice of decertification in writing, which shall be effective upon issuance to Manufacturer or Vendor.

§ 171a.4. System use.

(a) *Certification Required.* A school entity or a contracted company that provides pupil transportation must only use a system certified by the Department of Transportation.

(b) *Installation, Testing, Operation and Repair.* A system must be installed, tested, operated and repaired in accordance with the Vendor's or Manufacturer's specifications.

(c) *Record of Inspection and Compliance.* A school entity or a contracted company that provides pupil transportation must routinely, and no less than semi-annually, inspect its system to ensure the system is operating in accordance with Vendor or Manufacturer specifications. The school entity or contracted company that provides pupil transportation must make a written record of each inspection and log any remedial measures taken for the system to comply with the Vendor's or Manufacturer's specifications.

(d) *Required Documentation.* A school entity or a contracted company that provides pupil transportation must retain its records of inspection and compliance with the Vendor's or Manufacturer's specifications for a period of no less than 1 year from final disposition of an alleged violation of 75 Pa.C.S. § 3345(a) (relating to meeting or overtaking school bus). Records of inspection and compliance shall constitute written documentation that the system is operating correctly as required by 75 Pa.C.S. § 3345.1(d) (relating to enforcement of failure to stop for school bus with flashing red lights).

(e) *Use of Recorded Images.* A school entity or a contracted company that provides pupil transportation must ensure that Recorded Images of alleged violations of 75 Pa.C.S. § 3345(a) are only used per the limitations of 75 Pa.C.S. § 3345.1(e)(1), except that a school entity or a contracted company that provides pupil transportation may disclose the Recorded Images when required to comply with a court order issued under 75 Pa.C.S. § 3345.1(e)(1)(iii).

(f) *Destruction of Recorded Images.* A school entity or a contracted company that provides pupil transportation must destroy Recorded Images of an alleged violation of

75 Pa.C.S. § 3345(a) within 1 year of final disposition of the recorded event. Final disposition shall mean:

(1) When the Recorded Images are not included on a certificate under 75 Pa.C.S. § 3345.1(d), the date of the alleged violation of 75 Pa.C.S. § 3345(a); or

(2) When the Recorded Images are included on a certificate under 75 Pa.C.S. § 3345.1(d), 3 years after the alleged violation of 75 Pa.C.S. § 3345(a).

[Pa.B. Doc. No. 19-611. Filed for public inspection April 26, 2019, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On April 16, 2019, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition requests the establishment of a program to limit greenhouse gas emissions.

Under the Board's acceptance of the petition, the Department of Environmental Protection (Department) will prepare a report evaluating the petition. This report will include a recommendation on whether the Board should proceed with a proposed rulemaking and, if so, the process that the Department would need to undertake to develop a proposed rulemaking.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 783-8727, and is accessible on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)," then "2019 Meetings," then "Meeting Agendas/Minutes/Handouts; April 16, 2019").

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 19-612. Filed for public inspection April 26, 2019, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Continuation of the Pennsylvania Peach and Nectarine Research Program

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from March 18 to April 5, 2019, to determine if the producers affected by the Pennsylvania Peach and Nectarine Research Program (Program) wished to continue the Program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the Program's continuation. An impartial Teller Committee (Committee) met on April 9, 2019, to count the ballots. The following results were submitted by the Committee: a total of 33 eligible votes

were cast with 26 producers voting in favor of and 1 voting against the continuation of the Program. An additional 6 ballots were invalid because they did not meet the eligibility requirements. Votes favoring continuation of the Program by number of producers represented 96% of eligible votes and votes against continuation of the Program represented 4% of eligible votes. Because a majority of the votes were cast in favor of the Program, the Program shall continue for 5 years, effective immediately.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 19-613. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority in the Banking Code of 1965 (7 P.S. §§ 101—2204), the Department of Banking and Securities Code (71 P.S. §§ 733-1—733-1203) and 17 Pa.C.S. (relating to Credit Union Code), has taken the following actions on applications received for the week ending April 16, 2019.

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 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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
04-10-2019	Orrstown Financial Services, Inc. Shippensburg Cumberland County	Approved
	Application for approval to acquire 100% of Hamilton Bancorp, Inc., Towson, MD, and thereby indirectly acquire 100% of Hamilton Bank, Towson, MD.	

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
04-10-2019	Orrstown Bank Shippensburg Cumberland County	Approved
	Application for approval to merge Hamilton Bank, Towson, MD, with and into Orrstown Bank, Shippensburg, PA.	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
04-12-2019	LINKBANK West Chester Chester County	2010 Fruitville Pike Lancaster Lancaster County	Approved
04-12-2019	LINKBANK West Chester Chester County	3045 Market Street Camp Hill Cumberland County	Approved
04-15-2019	Somerset Trust Company Somerset Somerset County	835 East Pittsburgh Street Greensburg Westmoreland County	Approved

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 19-614. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Property

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry, and Charles R. Rosamilia, Jr., Bonnie R. Rosamilia, Robert F. Larsen, Jr. and Cecilia G. Larsen (Rosamilia-Larsen) are proposing to negotiate an exchange of property interests in Greene Township, Clinton County and Leidy Township, Clinton County.

The exchange would involve approximately 106 acres in Leidy Township, Clinton County going from Charles R. Rosamilia, Jr. to the Department, approximately 0.4 acre in Greene Township, Clinton County going from Rosamilia-Larsen to the Department, and approximately 103 acres in Greene Township, Clinton County going from the Department to Rosamilia-Larsen. The Department's acquisition of the properties from Rosamilia-Larsen will fill a private inholding within Susquehannock State Forest, providing administrative and public access benefits. The inholding is also within the watershed of a high-quality stream, as classified by the Department of Environmental Protection, and it will allow a new connection of a shared-use trail. The Department will reserve the right to administrative access through all existing roads through the property to be conveyed to Rosamilia-Larsen. The Department has agreed not to create any public parking lots within 1-mile of the boundary line of the property to be conveyed to Rosamilia-Larsen.

As is the policy of the Department, the public is notified of this exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning April 27, 2019, and ending May 27, 2019. Oral or written comments or questions concerning this proposed exchange may be addressed to Tom Stahl, Planning Section, Bureau of Forestry, P.O. Box 8552, Harrisburg, PA 17105-8552, thstahl@pa.gov, (717) 772-0268. Oral or written comments, or both, will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 19-615. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

A meeting of the Snowmobile and ATV Advisory Committee to the Department of Conservation and Natural Resources (Department) will be held on Thursday, May 2, 2019, from 10 a.m. to 1 p.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Jacob Newton at (717) 783-3349. Those wishing to participate during the public comment section are encouraged to submit their comments in writing to Jacob Newton, Advisor, Snowmobile and ATV Advisory Committee, 400 Market Street, Harrisburg, PA 17101.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Aara Vinsh directly at (717) 787-9306 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 19-616. Filed for public inspection April 26, 2019, 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 POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a

General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Waste; Discharge into Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0064149 (Sewage)	Arcadia West Industrial Park WWTP 9767 Commerce Circle Kutztown, PA 19530	Lehigh County Weisenberg Township	Unnamed Tributary to Mill Creek (TSF/MF) (3-B)	No
PA0020940 (Sewage)	Tunkhannock Borough Municipal Authority 26 McCord St. Tunkhannock, PA 18657-6655	Wyoming County Tunkhannock Borough	Tunkhannock Creek (TSF, MF) (4-F)	Yes
PA0065561 (Storm Water)	Acme Cryogenics 2801 Mitchell Avenue Allentown, PA 18103-7111	Lehigh County Allentown City	Unnamed Tributary to Trout Creek (HQ-CWF, MF) (2-C)	Yes

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>
PA0082341 (SEW)	Hopewell Borough Sewage Treatment Plant 411 Broad Street Hopewell, PA 16650	Blair/ Hopewell Borough	Raystown Branch Juniata River (11-D)	Y
PA0039730 (SEW)	Lake Raystown Resort 100 Chipmunk Crossing Entriken, PA 16638	Huntingdon/ Lincoln Township	Raystown Branch Juniata River (11-D)	Y
PA0082082 (SEW)	Jerry Bolyard 309 Bear Gap Road Clearville, PA 15535	Bedford County/ Southampton Township	UNT Lost Run (13-A)	Y
PA0083909 (SEW)	Conestoga Wood Spec P.O. Box 158 East Earl, PA 17519-0158	Lancaster County/ East Earl Twp	Conestoga River (7-J)	Y
PA0028975 (SEW)	Womelsdorf Sewer Authority 498 N. Water Street Womelsdorf, PA 19567	Berks County/ Heidelberg Twp	Tulpehocken Creek (3-C)	Y
PA0083186 (SEW)	HMS Host— Sideling Hill Service Plaza P.O. Box 8 Middletown, PA 17057	Fulton County/ Taylor Twp	Dry Swale Lick Branch (12-C)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

<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>
PA0112551 (Sewage)	Randall B Moyer 230 Madisonburg Pike Madisonburg, PA 16852-8004	Centre County Miles Township	Unnamed Tributary of Elk Creek (EV) (6-A)	Yes

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<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>
PA0218944 (Sewage)	Franklin Fayette Sewer Authority WWTF P.O. Box 55 Smock, PA 15480-0055	Fayette County Franklin Township	Redstone Creek (19-C)	Yes
PA0218073 (Industrial)	Scottdale Treatment Facility P.O. Box 2223 Johnson City, TN 37663-2371	Westmoreland County East Huntingdon Township	Jacobs Creek (WWF) (19-D)	Yes
PA0098183 (Sewage)	Stone Mansion STP Stone Mansion Drive Sewickley, PA 15143	Allegheny County Franklin Park Borough	Swale to Unnamed Tributary of East Branch Big Sewickley Creek (TSF) (20-G)	Yes
PA0093408 (Sewage)	Crucible WPCF 100 Municipal Road Carmichaels, PA 15320-1051	Greene County Cumberland Township	Monongahela River (WWF)	Yes
PA0023698 (Sewage)	Vanport Township Municipal Authority 285 River Avenue Vanport, PA 15009	Beaver County Vanport Township	Twomile Run (20-B)	No

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications.

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970.

PA0012190, Industrial, SIC Code 3356, **Mueller Streamline Co., Precision Tube Co**, North Wales, PA 19454. Facility Name: Precision Tube Co. LLC. This existing facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Wissahickon Creek (TSF, MF), is located in State Water Plan watershed 3-F and is classified for Migratory Fishes and Trout Stocking, 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 design flow of .025 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	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
Arsenic, Total	XXX	XXX	XXX	XXX	Report	XXX
Cadmium, Total	XXX	XXX	XXX	XXX	Report	XXX
Chromium, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 102 are based on a design flow of 0.011 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Copper, Total						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Hardness, Total (as CaCO ₃)						
Internal Monitoring Point	XXX	XXX	XXX	XXX	Report	XXX
Flow (MGD)						
Internal Monitoring Point	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)						
Internal Monitoring Point	XXX	XXX	XXX	XXX	XXX	110
Total Dissolved Solids	XXX	XXX	XXX	XXX	Report	XXX

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.

PA0056553, Storm Water, SIC Code 3271, **Allan Myers L.P. dba Allan Myers Materials**, 638 Lancaster Avenue, Malvern, PA 19355. Facility Name: Devault Asphalt Plant. This existing facility is located in Charlestown Township, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of Industrial Stormwater.

The receiving stream(s), Unnamed Tributary of Pickering Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-D and is classified for Mi and High-Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Maximum</i>	
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15.0 Semi Avg	XXX	30.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

In addition, the permit contains the following major special conditions:

- Stormwater condition
- Acquire Necessary Property Rights
- Proper sludge disposal

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.

PA0052965, Industrial, SIC Code 3398, **Rex Heat Treatment of PA, Inc.**, 951 W 8th Street, Lansdale, PA 19446. Facility Name: Rex Heat Treat Lansdale. This existing facility is located in Lansdale Borough, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Unnamed Tributary to West Branch Neshaminy Creek (WWF, MF), is located in State Water Plan watershed 2-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfalls 001, 002, 003 and 004 are based on a design flow of 0 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	Report	XXX	XXX
Chromium, Total	XXX	XXX	XXX	Report	XXX	XXX
Copper, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Lead, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 301 are based on a design flow of 0.06 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Temperature (deg F) (°F)	XXX	XXX	XXX	XXX	XXX	110
Tetrachloroethylene Industrial Influent	XXX	XXX	XXX	Report	XXX	Report
Tetrachloroethylene	XXX	XXX	XXX	0.005	0.010	0.013
Trichloroethylene	XXX	XXX	XXX	0.005	0.010	0.013
Trichloroethylene Industrial Influent	XXX	XXX	XXX	Report	XXX	Report

In addition, the permit contains the following major special conditions:

- No discharge of stripper tower cleaning wastewater
- Requirements applicable to stormwater

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.

PA0051616, Industrial, SIC Code 4941, **PA American Water Co.**, 800 W Hershey Park Drive, Hershey, PA 17033-2400. Facility Name: PA American Water Co.—Shady Lane Water Treatment Plant. This existing facility is located in East Vincent Township, **Chester 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(s), Schuylkill River (WWF, MF), is located in State Water Plan watershed 3-D and is classified for Migratory Fishes and 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 .076 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.7	XXX	2.0
Total Suspended Solids	19	38	XXX	30	60	75
Aluminum, Total	2.54	5.07	XXX	4.0	8.0	10
Iron, Total	1.27	2.54	XXX	2.0	4.0	5
Manganese, Total	0.64	1.28	XXX	1.0	2.0	2.5
Chlorodibromomethane	XXX	XXX	XXX	XXX	Report	XXX
Dichlorobromomethane	XXX	XXX	XXX	XXX	Report	XXX
Chloroform	XXX	XXX	XXX	XXX	Report	XXX

In addition, the permit contains the following major special conditions:

I. Other Requirements

- A. Property Rights
- B. Proper Sludge Removal
- C. BAT/BCT

II. Filter backwash water requirement

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.

PA0052434, Sewage, SIC Code 4952, **IP9 MF Coventry Apartment Associates LP**, 439 McFarlan Road, Kennett Square, PA 19348. Facility Name: Coventry Crossing STP. This existing facility is located in Chester Heights Borough, **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, Unnamed Tributary of West Branch Chester Creek (TSF, MF), is located in State Water Plan watershed 3-G and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .04 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.1
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	6.7	XXX	XXX	20	XXX	40
May 1 - Oct 31	3.3	XXX	XXX	10	XXX	20
Total Suspended Solids	3.3	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000*
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Ammonia-Nitrogen						
Nov 1 - Apr 30	1.7	XXX	XXX	5.1	XXX	10.2
May 1 - Oct 31	0.6	XXX	XXX	1.7	XXX	3.4
Total Phosphorus						
Nov 1 - Apr 30	0.7	XXX	XXX	2.0	XXX	4
May 1 - Oct 31	0.3	XXX	XXX	1.0	XXX	2

*Shall not exceed in more than 10% of samples.

Sludge use and disposal description and location(s): hauling away to other Wastewater Treatment Facilities.

In addition, the permit contains the following major special conditions:

- A. No Stormwater
- B. Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Chlorine Minimization
- F. Small Stream Discharge
- G. Operator Notification
- H. Fecal Coliform Reporting
- I. Solids Management

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.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0266701, Sewage, SIC Code 4952, **Roeting Richard & Roeting Priscilla**, 252 Cider Press Road, Manheim, PA 17545. Facility Name: Roeting Residence. This proposed facility is located in Rapho Township, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage.

The receiving stream(s), Unnamed Tributary to Chickies Creek, is located in State Water Plan watershed 7-G and is classified for Migratory Fishes and 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 .00025 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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.

PA0085219, Industrial, SIC Code 4911, **PA DCNR**, 2200 Rosstown Road, Lewisberry, PA 17339-9787. Facility Name: Gifford Pinchot St Park. This existing facility is located in Warrington Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste.

The receiving stream(s), Beaver Creek, is located in State Water Plan watershed 7-F 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 .16 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	1.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Aluminum, Total	XXX	XXX	XXX	4	8	10
Iron, Total	XXX	XXX	XXX	2	4	5
Manganese, Total	XXX	XXX	XXX	1	2	2.5

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.

PA0266906, Sewage, SIC Code 8811, **Fogal Samuel**, 140 Swinging Bridge Road, Hollidaysburg, PA 16648. Facility Name: Fogal Residence. This proposed facility is located in Frankstown Township, **Blair County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SRSTP Sewage.

The receiving stream(s), Robinson Run, is located in State Water Plan watershed 11-A and is classified for Migratory Fishes and 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 .0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0032000, Sewage, SIC Code 8412, **PA DCNR Gifford Pinchot State Park**, 2200 Rosstown Road, Lewisberry, PA 17339-9787. Facility Name: Gifford Pinchot St Park. This existing facility is located in Warrington Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Beaver Creek, is located in State Water Plan watershed 7-F and is classified for Migratory Fishes and 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 .216 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	Daily Max XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	45.0	72.0	XXX	25.0	40.0	50.0
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Total Suspended Solids	54.0	81.0	XXX	30.0	45.0	60.0
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	41.0	XXX	XXX	23.0	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	3.6	XXX	XXX	2.0	XXX	4.0
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Bromide (ug/L)	Report	XXX	XXX	Report	XXX	Report

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3636.

PA0233013, Sewage, SIC Code 4952, **Travis L. Stem**, 140 Blarney Stone Drive, Julian, PA 16844-9432. Facility Name: Stem SRSTP. This proposed facility is located in Boggs Township, **Centre County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of sewage.

The receiving stream(s), Bald Eagle Creek (TSF, MF), is located in State Water Plan watershed 9-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200.0	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 412.442.4000.

PA0255548, Sewage, SIC Code, **Starr Wynn**, 1382 Lincoln Drive, Apt C, Monaca, PA 15061. Facility Name: Starr Property Small Flow STP. This proposed facility is located in Shippingport Borough, **Beaver County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated SFTF Sewage.

The receiving stream, Haden Run, is in State Water Plan watershed 20-D 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 .0016 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Instantaneous Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Residual Chlorine	XXX	XXX	XXX	0.38	XXX	0.90

Sludge use and disposal description and location(s): Other sewage treatment plant.

The EPA Waiver is in effect.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law.

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

WQM Permit No. 6319404, Sewage, **McDermitt Art**, 285 McCready Road, Burgettstown, PA 15021-2375.

This proposed facility is located in Jefferson Township, **Washington County**.

Description of Proposed Action/Activity: The applicant proposes to construct a small flow sewage treatment plant for a single home. The plant will be Norweco Singular 960 system consisting of pretreatment chamber, aeration chamber, Bio-Kinetic System/final clarification chamber, Hydro-Kinetic FEU Filter chamber, and UV disinfection.

WQM Permit No. 1119401, Sewage, **Jamestown Rod & Gun Club**, 247 Sportsman Road, Portage, PA 15946.

This proposed facility is located in Washington Township, **Cambria County**.

Description of Proposed Action/Activity: The applicant proposes to install 8 grinder pumps and construct a low-pressure sewer line to serve 8 EDUs in the Valley View Lane Development. Sewage will be conveyed and treated at the Central Mainline SA STP, NPDES Permit No. PA0218570.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. 4319403, Sewage, **Jason Hickernell**, 53 Quarry Hill Road, Greenville, PA 16125.

This proposed facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. WQG01251902, Sewage, **Sand Ridge Farms Inc.**, 14252 Underridge Road, West Springfield, PA 16443-9603.

This proposed facility is located in Springfield Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 4319404, Sewage, **Arthur Sperring, Jr.**, 1776 South Neshannock Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 2519407, Sewage, **Karyn Hemphill**, 10738 Station Road, Erie, PA 16428.

This proposed facility is located in Greenfield Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. WQG01251903, Sewage, **Adam & Erin Reese**, 8868 State Road, Girard, PA 16417-8827.

This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. 4319405, Sewage, **Ljubomir & Michelle Barbir**, 4862 Hogback Road, Hermitage, PA 16148.

This proposed facility is located in Hermitage City, **Mercer County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Carbon County Conservation District, 5664 Interchange Road, Lehighon, PA 18235.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130019	Canyon Rim Estates LLC P.O. Box 600 Lehighon, PA 18235	Carbon	Jim Thorpe Boro	Beaver Run (HQ-CWF, MF) Mauch Chunk (CWF, MF) Lehigh River (TSF, MF)

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, 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>
PAD480084	Todd Seneker Columbia/Wegman Hanover LLC 1910 Fairview Ave E Ste 200 Seattle, WA 98102	Northampton	Hanover Twp	Monocacy Creek (HQ-CWF, MF)

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>	<i>DEP Protocol (Y/N)</i>
PAS223502 (Storm Water)	Frey Group LLC 372 Puseyville Road Quarryville, PA 17566	Lancaster County	East Drumore Twp	Unnamed Tributary to West Branch Octoraro Creek (HQ-CWF, MF) (7-K)	Yes
PAS603503 (Storm Water)	Royal Green Huller Lane Car Shredding Plant & Landfill Temple P.O. Box 9 Temple, PA 19560-0009	Berks County	Ontelaunee Twp	Schuylkill River (WWF, MF) (3-C)	Yes

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD220005	Chestnut Hill Holdings, LLC 1701 Peters Mountain Road Dauphin, PA 17018	Dauphin	Middle Paxton	Clark Creek (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

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>
PAD140050 Renewal Previously PAI041408011R	GTW Associates 1951 Pine Hall Rd Ste 150 State College, PA 16801	Centre	Harris Twp	Spring Creek HQ-CWF
PAD140051 Renewal Previously PAI041413009	Loesch Construction 2221 Upper Brush Valley Rd Centre Hall, PA 16828	Centre	Spring Twp	Logan Branch HQ-CWF

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD020022	Duquesne Light Company 2841 New Beaver Avenue Pittsburgh, PA 15233	Allegheny County	Franklin Park Borough	Little Sewickley Creek (HQ-TSF)

Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Lawrence County Conservation District 430 Court Street, New Castle, PA 16101.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD370005 Major Modification	East Fairfield Coal Company 10900 South Avenue P.O. Box 217 North Lima, OH 44452	Lawrence	North Beaver Township	Tributary to Honey Creek HQ-CWF

VII. List of NOIs for NPDES and/or Other General Permit Types.

PAG-12	CAFOs
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CAFO Notices of Intent Received.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

NPDES Permit No. PAG122215, CAFO, **Stephen W Haas**, 15 Haas Road, Klingerstown, PA 17941-9733.

This proposed facility is located in Upper Mahantango Township, **Schuylkill County**.

Description of size and scope of proposed operation/activity: Poultry (Layers): 560.4 AEUs.

The receiving stream, Mahantango Creek, is in watershed 6-C and classified for: Cold Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PA0065161, CAFO, **Dale Stoltzfus Duck Farm**, 166 Rock Road, Pine Grove, PA 17963-9291.

This existing facility is located in Washington Township, **Schuylkill County**.

Description of size and scope of existing operation/activity: Poultry (Ducks), Beef (Calves, Finishers): 274.43 AEUs.

The receiving stream, Unnamed Tributary of Lower Little Swatara Creek (CWF), is in watershed 7-D and classified for: Cold Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PAG123884, CAFO, **Troutman Connie & Troutman Scott**, 638 Railroad Road, Mohrsville, PA 19541.

This proposed facility is located in Centre Township, **Berks County**.

Description of size and scope of proposed operation/activity: Dairy (Cows, Heifers, Calves), and Poultry (Ducks): 553.58 AEUs.

The receiving stream, Irish Creek (WWF, MF), is in watershed 3-B and classified for: Migratory Fishes and Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PAG123885, CAFO, **Adam S Martin Jr**, 390 Midway Road, Bethel, PA 19507-9635.

This proposed facility is located in Bethel Township, **Berks County**.

Description of size and scope of proposed operation/activity: Poultry (Broilers): 394.95 AEUs.

The receiving stream, Unnamed Tributary of Little Swatara Creek (CWF, MF) and Unnamed Tributary of Little Swatara Creek (CWF), is in watershed 7-D and classified for: Cold Water Fishes and Migratory Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PA0263591, CAFO, **Apple Shamrock Dairy Farms LLC**, 32821 Guys Mills Road, Townville, PA 16360-3009.

This existing facility is located in Steuben Township, **Crawford County**.

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers, Calves): 2,304.75.

The receiving stream, Unnamed Tributary to Muddy Creek (HQ-CWF), is in watershed 16-A and classified for: High Quality Waters—Cold Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PA0265926, CAFO, **Penn England LLC**, 10341 Fox Run Rd, Williamsburg, PA 16693.

This existing facility is located in Catherine Township, **Blair County**.

Description of size and scope of existing operation/activity: Dairy (Cows, Heifers, Calves): 4492.76 AEUs.

The receiving stream, UNT Clover Ck and Piney Ck (HQ-CWF) and UNT Frankstown Br. Juniata River (TSF), Watershed 11-A.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

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.

ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<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>New or Renewal</i>
Dennis Boop and Dennis Boop, Jr Boop's Family Hog Farm 1555 Swengel Road Mifflinburg, PA 17844	Union	391.8	1,453.81	Swine	N/A	Renewal
Douglas Groff and Alan Groff 87 Berkey Lane New Columbia, PA 17856	Union	55.97	1,476.61	Swine and Beef	N/A	New
Cotner Farms, Inc.— Dean James 127 Rushtown Road Danville, PA 17821	Northumberland	1,273.4	1,498.1	Layers	NA	Renewal
Matt Nolt 131 Krumstown Road Myerstown, PA 17067	Lebanon	0	410.24	Broiler	NA	Renewal
Tyler Bauman 1277 Bridgeton Rd Airville, PA 17302	York	133	346.4	Poultry	NA	Renewal

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 (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Application No. 1719502—Construction—Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.—Treasure Lake Division
Township/Borough	Sandy Township
County	Clearfield County
Responsible Official	Mr. Patrick Burke 644 N. Water Avenue Sharon, PA 16146
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Mr. Robert Louis Horvat, Entech Engineering, Inc. 400 Rouser Bldg. 2 Suite 200 Corapolis, PA 15108
Application Received	4/5/2019
Description of Action	Authorizes the installation of a prefabricated iron and manganese filtration skid at the Cayman Booster Pump Station to treat the raw water supplied by Wells N12 and N14. This project will also require construction of new raw water transmission mains from Well N12 and N14 to the existing Caymen Booster Pump Station located on Bay Road.

Central Office: Bureau Director, Safe Drinking Water,
P.O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996402, Public Water Supply.

Applicant **Nestle Waters North America Inc.**
Township or Borough Framingham, Maine
Responsible Official Mr. Mark Dubois,
Quality Manager
Type of Facility Out of State Bottled Water
System
Application Received Date April 10, 2019
Description of Action Applicant requesting
Department add two new springs
as sources for bottling to their
existing out of state bottled
water permit.

Permit No. 9996602, Public Water Supply.

Applicant **Niagara Bottling, LLC**
Township or Borough Mooresville, North Carolina
Responsible Official Tiffany Moseley, Director of
Compliance and Regulatory
Affairs
Type of Facility Out of State Bottled Water
System
Application Received Date April 3, 2019
Description of Action Applicant requesting
Department approval to sell
bottled water products in
Pennsylvania under the product
names: Purified Water and
Purified Drinking Water.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environ- mental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup

standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department Regional Office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate Regional Office. TDD users may telephone the Department through the Pennsylvania 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.

Carlisle Car & Truck/Highlands Tire & Service Centers, 1257 Holly Pike, Carlisle, PA 17013 South Middleton Township, **Cumberland County**. Converse Consultant, 2738 West College Avenue, State College, PA 16801 on behalf of Highlands Tire and Service Centers, 1257 Holly Pike, Carlisle, PA 17013-4436, submitted a Notice of Intent to Remediate soil contaminated with No. 2 fuel oil. The site will be remediated to the Site-Specific Standard. Future use of the site is unknown. The Notice of Intent to Remediate was published in *The Sentinel* on March 19, 2019.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Janet BRA Pad, 1957 Beebe Hill Rd, Monroe Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia, LLC, 300 North 2nd Street, Harrisburg, PA 17101 has submitted a Notice of Intent to Remediate site soil contaminated with produced water. The applicant proposes remediation of the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in the *The Daily Review* on March 29, 2019.

C.M. Trucking, LLC, Interstate 80 at MM 219.8W, Liberty Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of C.M. Trucking, 370 Matinger Road, Toledo, OH 43610,

has submitted a Notice of Intent to Remediate site soil contaminated with motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was published in *The Daily Item* on February 20, 2019.

RESIDUAL WASTE GENERAL PERMITS

Application(s) for the Renewal of General Permit(s) Administratively Complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGR040SW001. Safety-Kleen Systems, Inc., 150 Allenbill Drive, Johnstown, PA 15904. Safety-Kleen Johnstown Rail Site, Baumer Street, Johnstown, PA 15901. A permit renewal application for continued coverage under residual waste general permit WMGR040 for the operation of a rail transloading facility for the transfer of waste oil, waste oil/water mixtures and spent antifreeze from motor vehicles to rail cars in Johnstown City, **Cambria County**, was deemed administratively complete by the Southwest Regional Office on April 10, 2019. (Previously assigned permit ID number was WMGR040.)

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability administratively complete under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste other than Coal Ash.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412-442-4000.

General Permit No. WMGR028SW008A. Eurovia Atlantic Coast LLC dba Northeast Paving, 290 Bilmar Drive, 3rd Floor, Pittsburgh, PA 15205. Northeast Paving Bridgeville Plant, 2 Prestley Road, Bridgeville, PA 15017. A minor modification to change ownership of residual waste general permit WMGR028SW001A for the beneficial use of baghouse fines and/or scrubber pond precipitates in Collier Township, **Allegheny County**, was deemed administratively complete by the Southwest Regional Office on April 12, 2019.

General Permit No. WMGR028SW008B. Eurovia Atlantic Coast LLC dba Northeast Paving, 290 Bilmar Drive, 3rd Floor, Pittsburgh, PA 15205. Northeast Paving McKees Rocks Plant, Foot of Robb Street, McKees

Rocks, PA 15136. A minor modification to change ownership of residual waste general permit WMGR028SW001B for the beneficial use of baghouse fines and/or scrubber pond precipitates in McKees Rocks Borough, **Allegheny County**, was deemed administratively complete by the Southwest Regional Office on April 12, 2019.

General Permit No. WMGR028SW008C. Eurovia Atlantic Coast LLC dba Northeast Paving, 290 Bilmar Drive, 3rd Floor, Pittsburgh, PA 15205. Northeast Paving Springdale Plant, 1000 Sherosky Way, Springdale, PA 15144. A minor modification to change ownership of residual waste general permit WMGR028SW001D for the beneficial use of baghouse fines and/or scrubber pond precipitates in Springdale Borough, **Allegheny County**, was deemed administratively complete by the Southwest Regional Office on April 12, 2019.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit void and bond release under the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, 35 P.S. §§ 6018.101—6018.1003 and regulations to operate a municipal or residual waste facility.

Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit I.D. No. WMGR123SW011. Aspen Johnstown, LLC, 44 Mountainside Road, Mendham, NJ 07945. At the request of the Permittee, general permit WMGR123SW011, approved on July 18, 2013 for the facility intended to be located at 116 Iron Street, Cambria, PA 15906, City of Johnstown, **Cambria County**, is voided. The facility was never constructed nor operated therefore the Department is releasing \$160,336.82 in financial assurance associated with the voided permit.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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 general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Depart-

ment Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit, may submit the information to the Department's Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

A person wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the information received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin* or by telephone, when the Department determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate Department Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

15-0081C: Johnson Matthey Inc. (1401 King Rd., West Chester, PA 19380) for the modification of an existing Metal Melt Room and the proposed installation of new packed bed wet scrubber and dry scrubber (e.g., chlorine scrubbers) at their precious metals processing facility in West Whiteland Township, **Chester County**. As a result of potential emissions of NO_x and VOC, the facility is a State-Only facility. The Plan Approval will contain recordkeeping requirements and operating re-

strictions designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

36-05015I: Dart Container Corp. of PA (60 East Main Street, Leola, PA 17540) for the construction of three (3) new Polypropylene (PP) extrusion and thermoforming lines at building # 4 at the Leola Plant in Upper Leacock Township, **Lancaster County**. The VOC emissions for the new PP lines are projected to be approximately 3.15 tpy. However, with the planned removal of two (2) of the existing Polystyrene (PS) lines in building # 4, the overall VOC emissions at the facility will actually decrease. The facility is a Title V facility. As part of the proposed project the facility will be authorized to implement an Alternate Operating Scenario (AOS) which will allow the remaining PS extruders in building # 4 the option of switching to producing PP products. The Department's review of the information submitted by the applicant indicates that the air contamination source as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for plan approval, the requirements established in the plan approval may be included in the facility's Title V Operating Permit pursuant to the provisions of 25 Pa. Code §§ 127.441 and 127.443.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

18-00021C: Avery Dennison Performance Polymers (171 Draketown Road, Mill Hall, PA 17751) for the construction and operation of the R-100 emulsion reactor system at their facility located in Bald Eagle Township, **Clinton County**. This is a State Only "Synthetic Minor" facility. The Department's review of the information contained in the application submitted by Avery Dennison Performance Polymers, indicates that the sources will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1, the particulate matter emission limitation of 25 Pa. Code § 123.13, the sulfur oxide emission limitation of 25 Pa. Code § 123.21 and the visible emission limitation of 25 Pa. Code § 123.41. The plan approval, if issued, will subsequently be incorporated into the State only operating permit via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date. Based upon this finding, the Department proposes to issue a plan approval for the construction and operation of the R-900 emulsion reactor system. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements. All volatile organic

compounds captured from the R-900 emulsion reactor system incorporated into Source ID P102 shall be ducted to Control Device C102C. The volatile organic compound destruction efficiency of Control Device C102C shall be equal to, or greater than 99% or a VOC concentration not to exceed 20 parts per million (as propane) by volume, dry basis (ppmdv) at 3% oxygen at all times. The combustion chamber temperature of Control Device C102C shall not be less than 1,600 F at any time while controlling air contaminant emissions from the R-900 emulsion reactor system incorporated in Source ID P102. Work practice requirements to operate the sources and control devices with good air pollution control practices. Recordkeeping and Reporting conditions to verify compliance with the emission limitations and all applicable requirements. A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to David M. Shimmel, PE, 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

43-372A: Integrated Fabrication & Machine, Inc. (639 Keystone Road, Greenville, PA 16125) for the installation of two (2) paint booths at their facility in Hempfield Township, **Mercer County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-372A to Integrated Fabrication & Machine, Inc. for the installation of two (2) paint booths at their facility in Hempfield Township, Mercer County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-372A is for the installation of two (2) paint booths with associated panel filters, which will be used to apply coatings to fabricated metal components. Based on the information provided by the applicant and DEP's own analysis, total emissions from sources at this site will be limited to a maximum of 20.0 tons of volatile organic compounds (VOC) per year.

The proposed sources will be subject to the requirements of 25 Pa. Code § 129.52d, for control of VOC emissions from miscellaneous metal parts surface coating processes. The Plan Approval will contain additional monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the following address. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the following address. Comments must be received by the Department within 30 days of the last

day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 43-372A and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

21-05029: Sunoco Partners Marketing & Terminal, LP (17351 Market St., 29 MBC, Philadelphia, PA 19103) for the renewal of the facility's Title V operating permit at the pipeline terminal located in Hampden Township, **Cumberland County**. The facility's Potential to Emit are 113.13 tpy VOC, 14.19 tpy CO, 5.64 tpy NO_x, 0.06 tpy SO_x, 0.05 tpy N₂O, 0.05 tpy CH₄, and 1,724.07 tpy CO₂. 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 requirements in the permit, certain sources at the facility are subject to the requirements of 40 CFR Part 63, Subpart BBBBBB-National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Bulk Terminals, Bulk Plants and Pipeline Facilities. Source IDs 101A and 117 are subject to 40 CFR 60 Standards of Performance for New Stationary Sources, Subpart Kb-Standards of Performance for Volatile Organic Liquid Storage Vessels.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104.

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

OP17-000034: MIPC, LLC (G Street and Hunting Park Avenue, Philadelphia, PA 19124) for the operation of a gasoline and ethanol loading terminal in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a truck loading rack with two (2) loading bays controlled by one vapor recovery unit (VRU), six (6) internal floating roof light petroleum products storage tanks, two (2) horizontal fixed roof additive storage tanks, and one (1) vertical fixed roof pipeline surge tank.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regula-

tion XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest, comments, or request a public hearing on the previously listed operating permit must submit the protest, comments, or public hearing request 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.

Intent to Issue Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

67-05135: BWAY Corporation (599 Davies Drive, York, PA 17402-8630), to issue a synthetic minor operating permit renewal for the metal can manufacturing facility located in Springettsbury Township, **York County**. The primary emissions from the facility are VOC from lubricants. Per the air permit, the facility's VOC potential-to-emit is limited to less than 50 tpy. 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.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

11-00523: Jigging Technologies, LLC (950 Riders Road, Johnstown, PA 15906) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) renewal to Jigging Technologies to authorize the continued operation of their Riders Slag Processing Plant located in East Taylor Township, **Cambria County**.

The operation process at this facility include crushers, screens, conveyors, stockpiles, and access roads. The facility is authorized to process up to 480,000 tons of steel slag annually and has the potential to emit 7.51 tons of PM tons, 2.78 tons of PM₁₀, and 0.014 ton of HAPs (combined) per year. On-site pressurized water truck is available to control fugitive emissions. The proposed SOOP contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Article III, Chapters 121—145.

A person may oppose the proposed State Only Operating Permit by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and

telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (11-00523) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Jigging Technologies Only Operating Permit application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Jigging Technologies State Only Operating Permit application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed air Quality Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-00107: Vorteq Coil Finishers LLC (P.O. Box 47, Oconomowoc, WI 53066), the Department intends to issue a renewal of the State Only Synthetic Minor Operating Permit for the facility. The facility coats metal coils used for architectural metal. The primary processes at the facility are space heaters, tank heaters, primary and finish applications, conversion coating, lime handling, emergency generator, emergency fire pump engine, and a maintenance degreaser. The VOC emissions from the coating operations are limited to 9 lbs/hr and 39.42 TPY. The facility individual HAP emissions are limited to 9.9 TPY and the combined HAP emissions are limited to 24.9 TPY. The VOC and HAP emissions from the coating process (including the drying ovens and quench process for each line) are controlled by a thermal oxidizer. The emergency engine and emergency fire pump engine are both subject to the maintenance requirements of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines. The conversion coating is subject to the work practice requirements of 40 CFR 63 Subpart WWWW—NESHAPs: Area Source Standards for Plating and Polishing Operations. The facility is located in Middlesex Township, **Butler County**.

33-00185: Columbia Gas Transmission (898 Iowa Rd, Brookville, PA 15825). The Department is providing notice that they intend to renew a State Only Natural Minor Operating Permit for the compressor station located in Pine Creek Township, **Jefferson County**. The facility's primary emission sources include two (2) natural gas-fired internal combustion engines to drive compressor units that pump natural gas through the system. The potential emissions of the primary pollutants from the facility are as follows: 33.36 TPY (tons per year) NO_x, 2.70 TPY CO, 9.39 TPY VOC, 0.81 TPY filterable PM₁₀ and PM_{2.5}, and 0.05 TPY SO_x; thus, the facility is a natural minor. The engines are subject to 40 CFR 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The renewal permit will contain emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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 (35 P.S. §§ 4001—4015) 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: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

Notice is hereby given 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 **Georgia Pacific Consumer Operations LLC** (605 Kuebler Road, Easton, PA 18040-9282) for their facility located in Forks Twp., **Northampton County**. This Plan Approval No. 48-00031C will be incorporated into the company's Synthetic Minor Permit 48-00031 through an administrative amendment at a later date.

Plan Approval No. 48-00031C is for the installation and operation of additional new cup forming machines. Particulate emissions generated by these machines will be controlled by two (2) existing cyclones. Potential particulate emissions (PM₁₀) increase from these machines is estimated to be 2.7 tons/year. The addition of these machines will increase VOC emissions from the facility's flexographic operations by 1.7 ton/year. The company shall be subject to and comply with 25 Pa. Code § 123.41 for visible emissions. Particulate emissions from the cyclone will be less than 0.02 grain/dscf and will meet BAT requirements for these sources. 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.

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.: 48-00031C 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, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, 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

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** and South Franklin Township, **Washington County** and related NPDES permit to install two (2) degas boreholes. Surface Acres Proposed 5.0. No additional discharges. The application was considered administratively complete on April 8, 2019. Application received: March 11, 2019.

56841605 and NPDES No. PA0214761. Croner, Inc., (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). To revise the permit for the Goodtown Preparation Plant in Brothersvalley Township, **Somerset County** and related NPDES permit to reduce permit area from 13.5 acres to 6.4 acres for perpetual water treatment. Surface Acres Proposed -7.1. No additional discharges. The application was considered administratively complete on April 9, 2019. Application received: February 25, 2019.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 56190102 and NPDES No. PA0279706. Black Resources, Inc., 162 Cumberland Street, Berlin, PA 15530, commencement, operation and restoration of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 29 acres. Receiving streams: unnamed tributary to Kimberly Run to Coxes Creek to Casselman River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2019.

Permit No. 11020202 and NPDES No. PA0249254. Ebensburg Power Co., 224 Grange Hall Road, Armagh, PA 15920, permit renewal for the continued operation and restoration of a bituminous surface mine in Nanty Glo Borough, **Cambria County**, affecting 48.2 acres. Receiving streams: tributary to South Branch Blacklick Creek to Blacklick Creek to Two Lick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 4, 2019.

Permit No. 4072SM22 and NPDES No. PA0248894. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for reclamation only of a bituminous surface mine in Somerset Township, **Somerset County**, affecting 121.9 acres. Receiving stream: unnamed tributary to Kimberly Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 8, 2019.

Permit No. 4072SM2 and NPDES No. PA0248878. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for reclamation only of a bituminous surface and auger mine in Elk Lick Township, **Somerset County**, affecting 392 acres. Receiving stream: unnamed tributary to Meadow Run, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Municipal Authority. Application received: April 8, 2019.

Permit No. 4072SM11 and NPDES No. PA0248886. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for reclamation only of a bituminous surface mine in Summit Township, **Somerset County**,

affecting 199 acres. Receiving stream: unnamed tributary to Miller Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 8, 2019.

Permit No. 4075SM12 and NPDES No. PA0248860. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for reclamation only of a bituminous surface mine in Summit Township, **Somerset County**, affecting 184 acres. Receiving stream: unnamed tributary to Casselman River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 8, 2019.

Permit No. 32663056 and NPDES No. PA0606111. Beilchick Brothers, P.O. Box 7, Heilwood, PA 15745, permit renewal for the continued operation and restoration of a bituminous surface mine in Pine Township, **Indiana County**, affecting 748 acres. Receiving streams: unnamed tributaries to Little Yellow Creek, classified for the following use: high-quality—cold-water fishes. The first downstream potable water supply intake from the point of discharge is Indiana County Water Authority Yellow Creek Surface Water Withdrawal. Application received: April 10, 2019.

Permit No. 05070101 and NPDES No. PA0262544, J&J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine to allow for the beneficial use of biosolids for land reclamation in Broad Top Township, **Bedford County**, affecting 115.5 acres. Receiving stream: East Fork and North Fork Brewster Hollow Run classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Authority on Raystown Branch Juniata River. Application received: April 10, 2019.

Permit No. 05753004 and NPDES No. PA0124869, J&J Svonavec Excavating, Inc., 110 Windermere Lane, Somerset, PA 15501, commencement, operation and restoration of a bituminous surface mine to allow for the beneficial use of biosolids for land reclamation in Broad Top and Carbon Townships, **Bedford and Huntingdon Counties**, affecting 222.1 acres. Receiving stream: unnamed tributaries to/and Coal Bank Run, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2019.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Table 2

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 64192801 and NPDES Permit No. PA0226017. Leo's 848 Products, LLC, (P.O. Box 277, Lake Como, PA 18437), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Preston Township, **Wayne County** affecting 5.0 acres, receiving stream: unnamed tributary to Kinneyville Creek to Equinunk Creek, classified for the following uses: high quality—cold water fishes and migratory fishes. Application received: March 22, 2019.

Permit No. 6172SM6C10 and NPDES Permit No. PA0226025. Bear Gap Stone, Inc., (432 Quarry Road, Elysburg, PA 17824), correction to include an NPDES Permit for discharge of treated mine drainage from a quarry operation in Ralpho Township, **Northumberland County** affecting 89.0 acres, receiving stream: unnamed tributary to South Branch Roaring Creek, classified for the following uses: high quality—cold water fishes and migratory fishes. Application received: March 20, 2019.

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.

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 limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. 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.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100.

NPDES No. PA0236446 (Mining Permit No. 63841302), Maple Creek Mining, Inc., (c/o Murray Energy Corporation, 46226 National Road, St. Clairsville, OH 43950). A revision to the NPDES and mining activity permit for the Maple Creek Mine in New Eagle Borough, **Washington County**. This is a DEP initiated amendment to add a water quality based effluent limitation for copper at outfall 002. Surface Acres Affected 137.0, Underground Acres Affected 17,077.1. Receiving streams: Unnamed Tributary to Sawmill Creek, classified for the following use: WWF, Pigeon Creek, classified for the following use: WWF, and Monongahela River, classified for the following use: WWF: TMDL. The application was considered administratively complete on July 17, 2017. Application received: July 17, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

Outfall 002 discharges to: Unnamed Tributary to Sawmill Creek.

The proposed effluent limits for *Outfall 002* (Lat: 40° 11' 21" Long: 80° 00' 21") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	-	-	Report
Sulfate	(mg/l)	-	-	-	Report
Copper	(mg/l)	-	39.07	78.14	97.68

EPA waiver not in effect.

NPDES No. PA0236268 (Mining Permit No. 30130701), Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). A revision to the NPDES and mining activity permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 7 and No. 8 in Morris Township, **Greene County**. Surface Acres Affected 430.0. Draft limits previously published April 13, 2019. Change in osmotic pressure effluent limitation at outfall 702. Receiving stream: Unnamed Tributary 32758 of Enlow Fork, classified for the following use: WWF. The application was considered administratively complete on January 30, 2017. Application received: January 30, 2017.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

Outfall 701 discharges to: Unnamed Tributary 32758 of Enlow Fork.

The proposed effluent limits for *Outfall 701* (Lat: 39° 57' 57.9" Long: -80° 22' 33.2") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids ¹	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.52	3.05	3.8
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

Outfall 702 discharges to: Unnamed Tributary 32758 of Enlow Fork.

The proposed effluent limits for *Outfall 702* (Lat: 39° 57' 56.6" Long: -80° 22' 34.5") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids ¹	(mg/l)	-	35	70	90
Manganese ¹	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

EPA waiver not in effect.

NPDES No. PA0002780 (Mining Permit No. 10841302), ArcelorMittal Pristine Resources, LLC, (P.O. Box 36, 129 Bethlehem Road, Revloc, PA 15948). A renewal to the NPDES and mining activity permit for the Fawn Mine # 91 in Clinton Township, **Butler County**. Underground Acres Affected post-mining. Receiving stream: Lardintown Run, classified for the following use: TSF: Allegheny River Watershed. The application was considered administratively complete on March 13, 2017. Application received: November 7, 2016.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

Outfall 001 discharges to: Lardintown Run.

The proposed effluent limits for *Outfall 001* (Lat: 40° 41' 39" Long: -79° 48' 37") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.6	3.2	4.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.07	2.14	2.68
Aluminum	(mg/l)	-	0.9	1.8	2.45
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

EPA waiver in effect.

NPDES No. PA0236292 (Mining Permit No. 56140701), Coal Innovations, LLC, (1134 Stoystown Road, Friedens, PA 15541). A new NPDES and mining activity permit for the Stoystown Prep Plant and Coal Refuse Disposal Area in Quemahoning and Stonycreek Townships, **Somerset County**. Surface Acres Affected 197.9. A new coal refuse disposal site and coal preparation plant. Receiving stream: Stonycreek River, classified for the following use: CWF: Kiskiminetas-Conemaugh Watershed TMDL. The application was considered administratively complete on July 27, 2015. Application received April 17, 2015.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

Outfall 001 discharges to: Stonycreek River.

The proposed effluent limits for *Outfall 001* (Lat: 40° 05' 10" Long: -78° 56' 16") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(gpm)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.7
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	1.5	1.8
Sulfate	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Specific Conductance	(µmhos/cm)	-	-	-	Report
Temperature	(°C)	-	-	-	Report

Outfall 101 discharges to: Stonycreek River.

The proposed effluent limits for *Outfall 101* (Lat: 40° 5' 8" Long: -78° 56' 23") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	500	1,000	1,250
Bromide	(mg/l)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

Outfall 102 discharges to: Stonycreek River.

The proposed effluent limits for *Outfall 102* (Lat: 40° 5' 8" Long: -78° 56' 23") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	0.75
Sulfate	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	2,000	4,000	5,000
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Osmotic Pressure	(mOs/kg)	-	-	-	Report

Outfall 004 discharges to: Stonycreek River.

The proposed effluent limits for *Outfall 004* (Lat: 40° 5' 13" Long: -78° 56' 03") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(gpm)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.7
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	1.5	1.8
Sulfate	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Temperature	(°C)	-	-	-	Report
Specific Conductance	(µmhos/cm)	-	-	-	Report

Outfall 005 discharges to: Stonycreek River.

The proposed effluent limits for *Outfall 005* (Lat: 40° 05' 12" Long: -78° 55' 55") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(gpm)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Suspended Solids	(mg/l)	-	35	70	90
Manganese	(mg/l)	-	2.0	4.0	5.0

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum	(mg/l)	-	3.7	7.4	9.2
Sulfate	(mg/l)	-	-	-	Report
pH	(mg/l)	6.0	-	-	9.0
Alkalinity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Acidity, Total as CaCO ₃	(mg/l)	-	-	-	Report
Alkalinity, Net	(mg/l)	0.0	-	-	-
Specific Conductance	(µmhos/cm)	-	-	-	Report
Temperature	(°C)	-	-	-	Report

EPA waiver not in effect.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

NPDES No. PA0606111 (Mining Permit No. 32663056), Beilchick Brothers, P.O. Box 7, Heilwood, PA 15745, renewal of an NPDES permit for a surface coal mine in Pine Township, **Indiana County**, affecting 748.0 acres. Receiving streams: unnamed tributaries to/and Little Yellow Creek, classified for the following use: high quality, cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: April 10, 2019.

The following outfalls discharge to unnamed tributaries to/and Little Yellow Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Facility 1-2)	N
002 (Treatment Facility 1-1)	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls: 001 and 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
pH(S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

The following outfalls discharge to unnamed tributary to Little Yellow Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
003 (Sediment Pond 1-1)	N
004 (Sediment Pond 1-2)	N
005 (Sediment Pond 1-3)	N
006 (Sediment Pond 1-2)	N

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Outfalls 003, 004, 005 and 006 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0
pH(S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

NPDES No. PA0280674 (Permit No. 16190102), Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) New NPDES permit for a bituminous surface mine in Porter Township, **Clarion County**, affecting 68.0 acres. Receiving streams: Unnamed tributary to Leisure Run and unnamed tributaries to Redbank Creek, classified for the following uses: CWF. TMDL: Redbank Creek. Application received: February 1, 2019.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described previously for coal mining activities.

The following outfall discharges to unnamed tributary No. 2 to Redbank Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB	Y

The proposed effluent limits for the previously listed outfall are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

¹ The parameter is applicable at all times.

The following outfalls discharge to unnamed tributary No. 3 to Redbank Creek and unnamed tributary No. 5 to Leisure Run.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	Y
B	Y
C	Y

The proposed effluent limits for the previously listed outfalls are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		0.75	0.75	0.75
Total Suspended Solids (mg/l)		35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)				50.0

¹ The parameter is applicable at all times.

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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E3502219-001. Lackawanna County, 1280 Mid Valley Drive, Jessup, PA 18434, in Clifton Township and Lehigh Township, **Lackawanna and Wayne County Counties**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing 18-foot wide, 37.5-ft span steel I-beam bridge and to construct and maintain a 36-foot wide, 66.5-foot span concrete spread box beam bridge crossing of the Lehigh River (EV, MF) and impacting 0.03 acre of adjacent PEM wetlands. The bridge will have a 5.29-foot underclearance, concrete wingwalls, and R-4 riprap blended with streambed material along the eastern abutment. The project is located directly east of Westend Pond, approximately 0.3 mile north of the intersection of S.R. 507 (Main Street) and T-309 (Fox Farm Road) (Tobyhanna, PA Quadrangle Latitude: 41° 14' 54" Longitude: -75° 27' 36") in Lehigh Township, Wayne County and Clifton Township, Lackawanna County. (Tobyhanna, PA Quadrangle, Latitude: 41° 14' 54"; Longitude: -75° 27' 36").

E4002219-003. Mark and Molly Davies, 2497 Lakeside Dr., Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain an additional 510 square feet of pile-supported dock attached to an existing 850 square-foot dock resulting in a total dock size of 1,360 square feet within the normal pool elevation of Harveys Lake (HQ-CWF). The project is located at 2497 Lakeside Drive (S.R. 415) (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 56.72"; Longitude: -76° 2' 42.36") in Harveys Lake Borough, Luzerne County. (Harveys Lake, PA Quadrangle, Latitude: 41° 21' 56.72"; Longitude: -76° 2' 42.36"). Subbasin 5B.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E22-643: Lower Paxton Township Authority, 425 Prince Street, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

Lower Paxton Township Authority proposes a Major Amendment to its permit, Permit # E22-643, which authorized the abandonment portions of an existing sanitary sewer line and to install, operate, and maintain 12 utility line stream crossings and 14 utility line wetland crossings impacting 0.71 acre of palustrine emergent wetlands, 0.17 acre of palustrine scrub shrub wetlands, 0.73 acre of palustrine forested wetlands, and approximately 510 linear feet of an unnamed tributary to Beaver Creek (WWF, MF) for the purpose of replacing or rehabilitating approximately 39,200 feet of sanitary sewer. The Major Amendment proposes the addition of 6 utility line stream crossings, one temporary access road stream crossing, and one temporary access road wetland crossing impacting 0.03 acre of palustrine forested wetland and 84 linear feet of Unnamed tributary to Beaver Creek (WWF, MF). The project is located near the intersection of Blue Ridge Avenue and Blue Bell Avenue (centered on Latitude: 40° 20' 12.91", Longitude: -76° 46' 15.0") in Lower Paxton Township, Dauphin County.

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E14-582. University Area Joint Authority, 1576 Spring Valley Road, State College, PA 16801-8499. Beneficial Reuse Waterline Extension Project, in Harris and College Townships, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle; Latitude: 40° 47' 1.5"; Latitude 77° 46' 54.65").

The applicant proposes the construction of a Beneficial Reuse Waterline Extension from College Township to Harris Township. The project involves the construction of an approximately 4.39-mile 12" PVC waterline. The majority of the project follows existing roadways and woodland edges to minimize tree clearing. The project will require a total of seven (7) GP-5 qualifying Utility Line Stream/Wetland Crossings and five (5) qualifying GP-8 Temporary Road Crossings.

F19-101. Orange Township Supervisors, County of Columbia, 2028 State Route 487, Bloomsburg, PA 17859. Floodplain encroachment demolition (2) in Orange Township, Columbia County, US ACOE Baltimore District. Orange Township is seeking authorization to demolish the existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following locations.

463 Mt. Pleasant Road, Orangeville, PA 17859-Bloomsburg Quadrangle, Lat.: 41° 04' 40" N, Long.: 76° 25' 48" W.

1791 State Route 487, Orangeville, PA 17859-Bloomsburg Quadrangle, Lat.: 41° 03' 49" N, Long.: 76° 25' 54" W.

Southwest Region: Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

E02052-1808, Anthony Liberoni, 459 Davidson Rd, Plum, PA 15239, Plum Borough, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Remove an existing 12" corrugated metal pipe, and to construct and maintain a replacement 24" corrugated metal pipe which conveys an Unnamed Tributary of Little Plum Creek (WWF) for the purpose of replacing a deteriorated structure.

Impacts include 80 linear feet of permanent stream impact and 2,000 square feet of floodway impact for the installation of the 24" corrugated metal pipe. No mitigation is required.

The project site is located at 1100 Mallisee Road (Murrysville, PA USGS topographic quadrangle; N: 40° 29' 47"; W: -79° 43' 34"; Sub-basin 18A; USACE Pittsburgh District), in Plum Borough; Allegheny County.

E02052-1809, Hampton Shaler Water Authority, 3101 McCully Road, Allison Park, PA 15101, Shaler Township, **Allegheny County**; Pittsburgh ACOE District.

The applicant proposes to:

Construct and maintain a 200 foot 18" HDPE culvert to enclose an Unnamed Tributary of Little Pine Creek for the purpose of creating a fill site for the Hampton Shaler Water Authorities daily construction operations. Permanent impacts include 200 linear feet of stream.

The project site is located on Wetzel Road, (Glenshaw, PA USGS topographic quadrangle; N: 40° 31' 23"; W: -79° 58' 25"; Sub-basin 18A; USACE Pittsburgh District), in Shaler Township, Allegheny County.

E11-352-A1, Sunoco Pipeline, L.P. (SPLP), 525 Fritztown Road, Sinking Spring, PA 19608, Jackson Township, **Cambria County**, Pittsburgh ACOE District.

The applicant proposes to:

The proposed change begins approximately 1,030 feet southwest of the crossing of Benshoff Hill Road and Goldfinch Lane (Quadrangle: Nanty Glo, PA, Latitude 40° 25' 0.51"; Longitude: -78° 52' 29.71"), and ends approximately 490 feet southeast of the crossing of Benshoff Hill Road and William Penn Avenue (State Route 271) (Quadrangle: Nanty Glo, PA, Latitude 40° 24' 56.23"; Longitude: -78° 51' 33.47"). This amendment is located in Jackson Township, Cambria County.

The proposed project is to amend the existing permit, E11-352, which authorized installation and maintenance of approximately 23.3 miles of a 20-inch and 16-inch diameter pipeline and appurtenant structures to convey natural gas liquids. This amendment is seeking authorization for a proposed route and installation methodology change, which proposes to:

1. Construct and maintain one (1) 16" pipeline crossing under Hinckston Run (CWF) and eight (8) 16" pipeline

crossings under unnamed tributaries (UNT) to Hinckston Run (CWF) using open trench construction.

2. Construct and maintain eleven (11) pipeline crossings under unnamed wetlands using open trench construction.

This project is for the reroute and construction of approximately 1 mile of the previously approved transmission pipeline. The project's impacts in this permit application are associated with the SPLP Mariner East approved transmission line that extends over a 306-mile, 50-foot-wide right-of-way (ROW), from Houston, Washington County, Pennsylvania to Sunoco Pipeline, L.P.'s (SPLP) Marcus Hook facility in Delaware County, Pennsylvania. The route change will cumulatively result in 623 LF of permanent impacts to various watercourses, 60 LF of temporary impacts to various watercourses, 0.02 acre of temporary impacts to PEM wetlands, 0.31 acre of permanent impacts to PEM wetlands, 0.45 acre of permanent impact to PSS wetlands, and a de minimum temporary impact to an unnamed pond and 0.01 acre of permanent impact to an unnamed pond.

For more detailed information regarding the Chapter 105 permit amendment application related to this proposed project, which is available in the Department's Regional Office and available online at dep.pa.gov/pipelines, contact Dana Drake, (412) 442-4000 to request a file review. The Department will accept written comments on this Chapter 105 permit amendment request through Tuesday, May 28, 2019. Comments on the application can be e-mailed or sent by postal mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 500 Waterfront Drive, Pittsburgh, PA 15222, ra-epww-swro@pa.gov.

Northwest Region: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E6206219-002, Brokenstraw Township Supervisors, 770 Rouse Avenue, Youngsville, PA 16371. Abraham Hollow Road Culvert and Stream Restoration, in Brokenstraw, **Warren County**, ACOE Pittsburgh District (Youngsville, PA Quadrangle N: 41° 50' 23.4397"; W: -79° 21' 39.4772").

To remove the existing structure and construct and maintain a 70-foot long, 74-inch by 47-inch CMP pipe arch culvert and restore approximately 650 linear feet of stream channel along T-390 (Abraham Hollow Road) from the US Route 6 intersection carrying an Unnamed Tributary to Brokenstraw Creek in Brokenstraw Township, Warren County.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E5329-022: JKLM Energy, LLC, 2200 Georgetown Drive, Suite 500, Sewickley, PA 15143, Hector and Pike Townships, **Potter County**, ACOE Baltimore District.

To construct, operate and maintain the JH302 to HW148 Pipeline Project, which consists of two 16-inch steel natural gas pipelines and one 16-inch electrical conduit, with the following impacts:

1. 486 square feet of temporary impacts to Palustrine Emergent (PEM) Wetlands via open cut trenching (West Pike, PA Quadrangle, Latitude: N 41° 49' 25.24", Longitude: W 77° 42' 34.71");

2. 65.0 linear feet of Genesee Forks (HQ-CWF) and 780 square feet of temporary impacts to Exceptional

Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via the installation of a temporary construction access road and stream crossing (West Pike, PA Quadrangle, Latitude: N 41° 49' 17.03", Longitude: W 77° 42' 26.48");

3. 102.0 linear feet of Cushing Hollow (HQ-CWF), 70.0 linear feet of Genesee Forks (HQ-CWF), and 2,736 square feet of Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via Horizontal Directional Drilling (HDD) (West Pike, PA Quadrangle, Latitude: N 41° 49' 16.51", Longitude: W 77° 42' 26.81");

4. 1,728 square feet of permanent impacts to Exceptional Value (EV) Palustrine Forested (PFO) Wetlands via Horizontal Directional Drilling (HDD) (West Pike, PA Quadrangle, Latitude: N 41° 49' 13.62", Longitude: W 77° 42' 24.47");

5. 156 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) wetlands and 112 square feet of temporary impacts to Exceptional Value (EV) Palustrine Scrub/Shrub (PSS) Wetlands via open cut trenching and a temporary road crossing (West Pike, PA Quadrangle, Latitude: N 41° 49' 09.26", Longitude: W 77° 42' 21.51"); and

6. 66.0 linear feet of Flynn Hollow (HQ-CWF) via open cut trenching and a temporary road crossing (West Pike, PA Quadrangle, Latitude: N 41° 49' 05.74", Longitude: W 77° 42' 18.91").

The project will result in 303.0 linear feet of stream impacts, 486 square feet (0.01 acre) of temporary PEM wetland impacts, 156 square feet (0.01 acre) of temporary EV PEM wetland impacts, 3,628 square feet (0.08 acre) of temporary EV PSS wetland impacts, and 1,728 square feet (0.04 acre) of permanent EV PFO wetland impacts; all for the purpose of installing two 16-inch steel natural gas pipelines, one 16-inch electrical conduit, and associated access roadways for Marcellus shale development.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D14-001EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Cold Stream Dam to eliminate a threat to public safety and to restore approximately 600 feet of stream channel to a free-flowing condition. The project is located across Cold Stream (HQ-CWF) (Sandy Ridge, PA Quadrangle, Latitude: 40.8517; Longitude: -78.2068).

D14-013EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Lower Trout Run (Montola) Dam to eliminate a threat to public safety and to restore approximately 200 feet of stream channel to a free-flowing condition. The project is located across Trout Run (CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8084, Longitude: -78.2613).

D14-014EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Upper Trout Run Dam to eliminate a threat to public safety and to restore approximately 300 feet of stream channel to a free-flowing condition. The project is located across Trout Run (HQ-CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8041; Longitude: -78.2674).

D14-077EA. Kurt Staller, Project Manager, Pennsylvania American Water Company, 852 Wesley Drive, Me-

chanicsburg, PA 17055, Rush Township, **Centre County**, USACOE Baltimore District.

Project proposes to remove the Middle Trout Run Dam to eliminate a threat to public safety and to restore approximately 150 feet of stream channel to a free-flowing condition. The project is located across Trout Run (HQ-CWF) (Houtzdale, PA Quadrangle, Latitude: 40.8047, Longitude: -78.2669).

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—691.1001) 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 Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit
Section V	NPDES	MS4 Permit Waiver
Section VI	NPDES	Individual Permit Stormwater Construction
Section VII	NPDES	NOI for Coverage under NPDES General Permits

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary 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 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>
PA0062481 (Sewage)	Thomas Finn SRSTP 20 Canal Road Easton, PA 18042	Northampton County Williams Township	Delaware River (WWF, MF) (2-D)	Yes
PA0062375 (Sewage)	Saddleview Sewer WWTP Saddle Lake Road Tunkhannock Twp, PA 18657	Wyoming County Tunkhannock Township	Mill Run (4-G)	Yes

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>
PA0259900 (CAFO)	Brian Byers Farm CAFO 81 Four Pines Road Quarryville, PA 17566-9799	Lancaster County East Drumore Township	Conowingo Creek (HQ-CWF, MF) (7-K)	Yes
PA0247600 (CAFO)	David Martin Farm CAFO 420 Nottingham Road Nottingham, PA 19362-9024	Lancaster County Little Britain Township	Little Conowingo Creek and UNT to Little Conowingo Creek (7-K)	Yes
PA0082791 (IW)	Lanchester Landfill 7224 Division Highway Narvon, PA 17555-9505	Lancaster County Caernarvon Township	Conestoga River and Unnamed Tributary to Conestoga River in Watershed 7-J and Unnamed Tributary of West Branch Brandywine Creek in Watershed (3-H)	Yes
PA0051641 (SEW)	Daniel Boone Homestead 400 Daniel Boone Road Birdsboro, PA 19508-8735	Berks County Exeter Township	Owatin Creek in Watershed (3-D)	Yes
PA0070122 (SEW)	Highland Estates MHP 3499 US Highway 9 Suite 3C Freehold, NJ 07728-3277	Berks County Greenwich Township	UNT to Mill Creek (TSF) in Watershed (3-B)	No
PA0260151 (SEW)	Maxatawny Township Municipal Authority 127 Quarry Road Suite 1 Kutztown, PA 19530-9697	Berks County Maxatawny Township	Sacony Creek (CWF (existing use)) in Watershed (3-B)	No
PA0247928 (SEW)	Hopewell Township Bldg. 415 Three Square Hollow Road Newburg, PA 17240-9333	Cumberland County Hopewell Township	Unnamed Tributary to Peebles Run (WWF) in Watershed (7-B)	Yes
PA0262145 (SEW)	Pierson SRSTP 357 Sherwood Drive Carlisle, PA 17015-9013	Cumberland County Middlesex Township	Conodoguinete Creek (WWF, MF) in Watershed (7-B)	Yes

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

<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>
PA0228079 (Sewage)	Kissimmee Village 13 N Main Street Middleburg, PA 17842	Snyder County Franklin Township	Unnamed Tributary to Middle Creek (6-A)	Yes
PA0060208 (Sewage)	Nelson Township Authority Sewer Plant P.O. Box 100 328 Bliss Road Nelson, PA 16940-0100	Tioga County Nelson Township	Cowanessque River (WWF) (4-A)	Yes

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<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>
PA0218006 (Sewage)	Blacklegs STP 16980 Route 286 Highway West Saltsburg, PA 15681-8023	Indiana County Conemaugh Township	Blacklegs Creek (CWF) (18-C)	Yes
PA0217301 (Sewage)	Jerome WTP 1120 Tire Hill Road Johnstown, PA 15905	Somerset County Conemaugh Township	Unnamed Tributary of Quemahoning Creek (18-E)	Yes

<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>
PA0094315 (Sewage)	Pittsburgh Spay & Vaccination Clinic 110 Sandy Creek Road Verona, PA 15147-1728	Allegheny County Penn Hills Township	Sandy Creek (18-A)	Yes

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions.

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

NPDES Permit No. PA0029017, Sewage, SIC Code 4952, **Schuylkill Haven Municipal Authority**, 333 Center Avenue, Schuylkill Haven, PA 17972.

This existing facility is located in Schuylkill Haven Borough, **Schuylkill County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

NPDES Permit No. PA0041742, Sewage, SIC Code 4952, **Nazareth Borough Municipal Authority Northampton County**, P.O. Box A, Nazareth, PA 18064-0450.

This existing facility is located in Lower Nazareth Township, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NPDES Permit No. PA0104108, Sewage, SIC Code 4952, **North Beaver Township Municipal Authority Lawrence County**, 861 Mount Jackson Road, New Castle, PA 16102-2415.

This existing facility is located in North Beaver Township, **Lawrence County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 3919401, Sewage, SIC Code 4952, **Lehigh Carbon Comm College**, 4525 Education Park Drive, Schnecksville, PA 18078-2502.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: WQM Permit for improvements to the existing wastewater treatment plant by upgrading to a new dual Sequence Batch Reactor System, installing a new channel grinder, and repurposing two existing Aeration tanks.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.

WQM Permit No. 4191401 A-2, Sewage, SIC Code 4952, **GSP Management Co.**, P.O. Box 677, Morgantown, PA 19543-0677.

This existing facility is located in Upper Fairfield Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit issued authorizing a tablet dechlorination system and a sample port to be added to the effluent pipe.

WQM Permit No. 1919401, Sewage, SIC Code 4952, **Town of Bloomsburg**, 301 E. 2nd Street, Bloomsburg, PA 17815-1963.

This proposed facility is located in Town of Bloomsburg, **Columbia County**.

Description of Proposed Action/Activity: The construction of two (2) flow control structures and two (2) pump stations.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

WQM Permit No. WQG01251901, Sewage, **Kyle Marino**, 1647 Lee Road, Waterford, PA 16441.

This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Individual Permits Issued.

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI136125	Borough of Delmont 77 Greensburg Street Delmont, PA 15626	Delmont Borough, Westmoreland	Turtle Creek, Unnamed Tributary to Turtle Creek and Unnamed Tributary to Beaver Run, TSF and HQ-CWF	N	Y

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

<i>NPDES Permit No.</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>	<i>TMDL Plan Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAI138307	Farrell City Mercer County 500 Roemer Boulevard Farrell, PA 16121-1901	Farrell City, Mercer	Unnamed Tributary to Shenango River (WWF) and Shenango River (WWF)/ WWF	N	N

V. NPDES Waiver Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) Actions.

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the MS4s instead of NPDES permit coverage.

Southwest Regional Office: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Phone: 412.442.4000.

<i>NPDES Waiver No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136259	Aspinwall Borough 217 Commercial Avenue Pittsburgh, PA 15215-3024	Aspinwall Borough, Allegheny	Allegheny River WWF

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions.

Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090020	Pennsylvania Turnpike Commission 700 South Eisenhower Boulevard Middletown, PA 17057-3923	Bucks	Milford Township	Unnamed Tributary to Unami Creek HQ-TSF-MF
PAD090026	Chris Sincavage 800 North 2nd Street, PMB 148 Philadelphia, PA 19123	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAD150106	Islamic Society of Delaware 28 Salem Church Road Newark, DE 19713	Chester	Upper Oxford Township	Unnamed Tributary to East Branch of Big Elk Creek HQ-TSF-MF
PAD150095	Donovan Investment Partners, LP 1595 Paoli Pike West Chester, PA 19380	Chester	West Whiteland Township	Unnamed Tributary to Valley Creek CWF
PAD230030	P Squared Real Estate, LLC 386 Lennie Road Chester Heights, PA 19017	Delaware	Middletown Township	Rocky Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510042	Dietz & Watson, Inc. 5701 Tacony Street Philadelphia, PA 19135	Philadelphia	City of Philadelphia	Delaware River WWF

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Phillips, Section Chief, Telephone 717.705.4802.

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD360033 Issued	Isaac E Stoltzfus 303 Peach Bottom Road Peach Bottom, PA 17563	Lancaster	Fulton Township	Puddle Duck Creek (HQ-WWF, MF) Peters Creek (HQ-WWF, MF)
PAD310006 Issued	DCNR State Parks Rachel Carson State Office Building 400 Market Street Harrisburg PA, 17101	Huntingdon	Jackson Township	Laurel Run (HQ-CWF, MF)

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.

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>
PAD140024	RSE, Inc. 223 Paradise Road Bellefonte, PA 16823	Centre	Benner Twp	Spring Creek HQ-CWF

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020021	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Allegheny County	North Versailles Township	Jacks Run (HQ-TSF)

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 Petroleum Product Contaminated Groundwater 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 Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
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

Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Skippack Township Montgomery County	PAC460300	Marino Holdings, LLC 1088 Anders Road Collegetown, PA 19426	Perkiomen Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAC460361	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
Bedminster Township Bucks County	PAC090242	Weis Markets, Inc. 1000 South Second Sunbury, PA 17801	Deep Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAC090229	CRRT Associates, LLC 23 Morgan Hill Drive Doylestown, PA 18901-2895	Unnamed Tributary to Beaver Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Solebury Township Bucks County	PAC090237	Anthony D'Orazio 3450 North Sungan Road New Hope, PA 18938	Unnamed Tributary to Delaware River TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Doylestown Borough Bucks County	PAC090248	Duffey Oil Terminal Inc. DBA Compass Management Partners 2780 Limekiln Pike Glenside, PA 19038-2203	Cooks Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAC090250	Dobry Road, LLC 301 Oxford Valley Road Suite 501A Yardley, PA 19067-7711	Brock Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAC090252	Aurliz, LLC 1690 Big Oak Road Yardley, PA 19067	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510108	Saint Ignatius Nursing Home 4401 Haverford Avenue Philadelphia, PA 19104-1332	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510090	Woodhaven Industrial, LLC 239 Washington Street Suite 301 Jersey City, NJ 07302	Byberry Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510096	The School District of Philadelphia 440 North Broad Street Philadelphia, PA 19130-4015	Frankford Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAC510088	PhilaPort 3460 North Delaware Avenue Philadelphia, PA 19134	Delaware River Estuary WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Northampton County Conservation District, 14 Gracedale Ave., Greystone Building, 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>
PAC480073	Tim Livengood Stone Ridge Meadows Inc 745 Almond Rd Walnutport, PA 18088	Northampton	Allen Twp Northampton Boro	Dry Run (CWF, MF)
PAC480067	Bangor Area School District Dr. William Haws, Superintendent 123 5 Points Richmond Rd Bangor, PA 18013	Northampton	Upper Mt Bethel Twp	Jacoby Creek (CWF, MF)

Wyoming County Conservation District, 31 Hollow Crest Road, Tunkhannock, PA 18657.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAC660020	Williams Field Services LLC 2000 Commerce Dr. Pittsburgh, PA 15275	Wyoming	Tunkhannock Twp	Swale Brook (CWF, MF)

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Phillips, Section Chief, 717.705.4802.

*Facility Location:
Municipality & County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAC010092	Heritage Hills II, LP 126 Onyx Road New Oxford, PA 17350-8456	UNT Alloway Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
PAC210122	UGI Utilities, Inc. 1301 AIP Drive Middletown, PA 17057-5987	UNT Cedar Run (CWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210125	North Middleton Authority 240 Clearwater Drive Carlisle, PA 17013-1185	Wertz Run (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
PAC210113	Revocable Trust Shaner Corporation 1965 Waddle Road State College, PA 16803-1639	Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 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>
South Middleton Township Cumberland County Issued	PAC210127	Taylor McMaster 798 Benders Church Road Biglerville, PA 17307-9793	UNT Hunters Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Berrysburg Borough Dauphin County Issued	PAC220157	Jonathan Campbell 380 North Pine Street Elizabethville, PA 17023	UNT Little Wiconisco Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220126	PennDOT 2140 Herr Street Harrisburg, PA 17103	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220135	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	UNT Spring Creek (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Conewago Township Londonderry Township Dauphin County Issued	PAC220122	Jamie Nissley 500 North Hertzler Road Elizabethtown, PA 17022	UNT Conewago Creek (TSF) UNT Brills Run (TSF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220034	Cider Press Associates, LLC 4712 Smith Street Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Walker Township Juniata County Issued	PAC340021	Brett Wagner 631 Miller Hill Road Mifflintown, PA 17059	Doe Run (TSF, MF)	Juniata County Conservation District 146 Stoney Creek Drive Suite 4 Mifflintown, PA 17059-8709 717.436.8953, ext. 5
City of York York County Issued	PAC670243	York Catholic High School 601 East Springettsbury Avenue York, PA 17403	UNT Codorus Creek (WWF, MF)	York County Conservation District 118 Pleasant Acres Road York PA 17402 717.840.7430
Penn Township York County Issued	PAC670233	Filbert Street LLC 660 Edgegrove Road Hanover, PA 17331-7759	Gitts Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

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Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
W. Burlington Twp, Bradford Cnty	PAC080036	Bradford County Commissioners 301 Main Street Towanda, PA 18848	Mill Creek TSF	Bradford County Conservation District Stoll Natural Resource Ctr 200 Lake Rd Ste E Towanda, PA 18848 (570) 265-5539, X 6
Patton Twp & Ferguson Twp, Centre Cnty	PAC140018 Major Modification	Patton Township 100 Patton Plaza State College, PA 16803	Tributary Spring Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Ferguson Twp, Centre Cnty	PAC140077 Renewal Previously PAG02001410014R(1)	S & A Homes, Inc. 2121 Old Gatesburg Rd Suite 200 State College, PA 16801	UNT to Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
West Chillisquaque Twp, Northumberland Cnty	PAC490035	Platt/Moser Residential Development Showers Road Milton, PA 17847		Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Upper Augusta Twp, Northumberland Cnty	PAC490038	UGI Utilities Inc. Attn: Robert J. Davidson 1 UGI Drive Denver, PA 17517	UNT Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Hampton Township	PAC020277	Penn Cove Group Acquisitions, LLC 11 Stanwix Street Suite 1202 Pittsburgh, PA 15222	Pine Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Moon Township	PAC020352	PA Real Estate, LLC 10430 Perry Highway Wexford, PA 15090	Narrows Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Mount Lebanon Township	PAC020335	The Residence at Poplar, LLC 6026 Hawthorn Drive Moon Township, PA 15108	UNT to Saw Mill Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020395	McCafferty Interests 2000 Smallman Street Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Plum Borough	PAC020371	Peoples Natural Gas Company, LLC 375 North Shore Drive Pittsburgh, PA 15212	UNT to Abers Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Franklin Park Borough	PAC020393	FP Rochester, LLC 535 Cortland Drive Finleyville, PA 15332	UNT to Rippling Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh	PAC020169	The Buncher Company 1300 Penn Avenue Suite 300 Pittsburgh, PA 15222	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McCandless Township	PAC020383	Giant Eagle, Inc. 261 Kappa Drive Pittsburgh, PA 15238	Rinamin Run (CWF) Wexford Run (CWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
South Fayette Township	PAC020098	Bursca Frontgate, LP 3109 Washington Pike Bridgeville, PA 15017	Cool Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Municipality of Monroeville	PAC020363	Sandy Hill Development, LLC 1712 Mount Nebo Road Sewickley, PA 15143	Thompson Run (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645

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<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Fawn Township	PAC020381	Gregori Construction, Inc. 736 Ekastown Road P.O. Box 121 Sarver, PA 16055	Allegheny River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Municipality of Monroeville	PAC020398	Dentistry for Kids 2790 Mosside Boulevard Suite 140 Monroeville, PA 15146	Turtle Creek (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Franklin Park Borough	PAC020345	North Allegheny School District 400 Hillvue Lane Pittsburgh, PA 15237	UNT to Bear Run (TSF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
Municipality of Monroeville; Turtle Creek Borough	PAC020394	Monroeville LFG, LLC 680 Anderson Drive Fifth Floor Pittsburgh, PA 15220	Turtle Creek (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
McKees Rocks Borough	PAC020391	Speedway, LLC 500 Speedway Drive Enon, OH 45323 Greenville Commercial Properties, LLC 1 Atlantic Avenue Pittsburgh, PA 15202	Ohio River (WWF)	Allegheny County Conservation District River Walk Corporate Centre 33 Terminal Way Suite 325b Pittsburgh, PA 15219 (412) 241-7645
New Sewickley Township	PAC040055	Big Knob Grange 336 Grange Road Rochester, PA 15074 Crea Excavating 1315 Pleasant Hills Road Wexford, PA 15090	Snake Run (WWF)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Peters Township	PAC630095	The Waters Senior Living Management, LLC 1600 Hopkins Crossroads Minnetonka, MN 55305	Brush Run (WWF)	Washington County Conservation District 50 Old Hickory Ridge Road Suite 1 Washington, PA 15301 (724) 705-7098

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greenwood Township, Crawford County	PAC200057	Crawford Advanced Materials 2930 West 22nd Street Suite 102 Erie, PA 16506	Conneaut Outlet WWF	Crawford County Conservation District 21742 German Road Meadville, PA 16335 814-763-5269

<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>
Girard Township, Erie County	PAC250070	Girard Township 10140 Ridge Road Girard, PA 16417	UNT Elk Creek CWF-MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Hermitage City, Mercer County	PAC430034	Hermitage School District 411 N Hermitage Road Hermitage, PA 14148	Pine Hollow Run WWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Summit Township Erie County	PAG041230	Kyle Marino 1647 Lee Road Waterford, PA 16441	Unnamed Tributary to LeBoeuf Creek (TSF)—16-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-06**Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<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>
Pitcairn Borough Allegheny County	PAG066101	Pitcairn Borough Allegheny County 582 6th Street Pitcairn, PA 15140-1200	Turtle Creek (WWF)—19-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-8

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Mt. Joy Twp/ Adams County	PAG083537	White Run Regional Muni Auth 2001 Baltimore Pike Gettysburg, PA 17325	White Run Regional Treatment Facility 2001 Baltimore Pike Gettysburg, PA 17325	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Gettysburg Borough/ Adams County	PAG083540	Gettysburg Muni Auth P.O. Box 3307 601 E Middle St Gettysburg, PA 17325	Gettysburg Muni Auth WWTP Same as Applicant	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Washington Twp/ Franklin County	PAG083538	Washington Township Municipal Authority 11102 Buchanan Trail East Waynesboro, PA 17268	Washington Twp Munic Auth WWTP 7934 Lyons Lane Waynesboro, PA 17268	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707
Chambersburg Borough/ Franklin County	PAG083587	Borough of Chambersburg 100 S 2nd St Chambersburg, PA 17201	Borough of Chambersburg WWTF 725 Hollywell Ave. Chambersburg, PA 17201	DEP—SCRO 909 Elmerton Ave Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*

<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>
Conewago Twp/ Dauphin County	PAG08	Amerigreen, Inc. 96 Commerce Drive P.O. Box 170 Wyomissing, PA 19610	Glen Book Farm	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Conewago Twp/ Dauphin County	PAG08	Amerigreen, Inc. 96 Commerce Drive P.O. Box 170 Wyomissing, PA 19610	William Capp Farm	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Conewago Twp/ Dauphin County and South Londonderry Twp/ Lebanon County	PAG08	Amerigreen, Inc. 96 Commerce Drive P.O. Box 170 Wyomissing, PA 19610	Deborah Risser Farm	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-9**Facility Location &
County/Municipality*

<i>Facility Location & County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
St. Thomas Twp/ Franklin County	PAG093522T	Witter's Septic and Sanitation, LLC 4534 Warm Springs Road Greencastle, PA 17225	Same as Applicant	DEP—SCRO—Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Peters Township/ Franklin County	PAG093524	Rosy's Wastewater Removal, Inc. 8058 Huber Rd. St. Thomas, PA 17252	Same as Applicant	DEP—SCRO—Clean Water 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-13**Facility Location
Municipality & County*

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Hanover Township Lehigh County	PAG132301	Hanover Township 2202 Grove Road Allentown, PA 18103	Unnamed Tributary to Catasauqua Creek (CWF, MF), Lehigh River (TSF, MF), and Unnamed Tributary to Lehigh River (CWF, MF)—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
West Cocalico Township Lancaster County	PAG133542	West Cocalico Township Lancaster County P.O. Box 211 Reinholds, PA 17569	Cocalico Creek (WWF, MF) and Unnamed Tributary to Indian Run (TSF, MF)—7-J	DEP Southcentral Regional Office Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717.705.4800

**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>
The Meadows Racetrack and Casino 210 Racetrack Road Washington, PA 15301	Washington	134.4	929.50	Horse	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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 (35 P.S. §§ 721.1—721.17).

Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 0918525, Public Water Supply.

Applicant	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Township	Lower Makefield
County	Montgomery
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. 650 Park Avenue King of Prussia, PA 19406
Permit to Construct Issued	April 4, 2019

Operations Permit # 4618503 issued to **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, **PWS ID # 1150166**, Limerick Township, **Montgomery County** on April 9, 2019 for the operation of a GridBee GS-12 tank mixer within the

0.75-million-gallon Limerick elevated storage tank approved under construction permit # 4618503.

Operations Permit # 4618518 issued to **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, **PWS ID # 1460046**, Norristown Township, **Montgomery County**, on April 4, 2019 for the operation of construction of UV disinfection facilities, liquid sodium hypochlorite feed and storage equipment, liquid ammonium sulfate feed and storage equipment, new carbon feed pumps, and filter effluent transfers pump modifications approved under construction permit # 4618518.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Permit No. 4519502MA, Public Water Supply.

Applicant **Tobyhanna Army Depot**
11 Hap Arnold Blvd.
Tobyhanna, PA 18466

[Borough or Township] Coolbaugh Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Mr. James Hendricks, PE
Humbar-Garick Engineers
3308 RT 940
Suite 104-213
Mount Pocono, PA 18344

Permit to Construct Issued 4/4/2019

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Permit No. 3618526 MA, Minor Amendment, Public Water Supply.

Applicant **Spring Hollow Properties, LLC**

Municipality Rapho Township

County **Lancaster**

Responsible Official Gerald Eberly
1825 Spring Hollow Road
East Earl, PA 17519

Type of Facility Spring Hollow Properties, LLC has submitted a PWS permit application for the approval to install new chlorine contact tanks at the Pinehurst Manor Mobile Home Park, to provide sufficient contact time for 4-log treatment of viruses at Entry Point 101 (Well Nos. 1 and 2).

Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401

Permit to Construct Issued 4/9/2019

Permit No. 2119504 MA, Minor Amendment, Public Water Supply.

Applicant **Middlesex Township Municipal Authority**

Municipality Middlesex Township

County **Cumberland**

Responsible Official Rory Morrison, Operations Manager
350 North Middlesex Road
Suite 2
Carlisle, PA 17013

Type of Facility Replacement of the Well No. 1 pump.

Consulting Engineer Max E. Stoner, P.E.
Glace Associates, Inc.
3705 Trindle Rd
Camp Hill, PA 17011

Permit to Construct Issued 4/10/2019

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1718505—Operation—Public Water Supply.

Applicant **Pennsylvania American Water**

Township/Borough Decatur Township

County **Clearfield County**

Responsible Official Mr. David R. Kaufman, P.E.
Vice President-Engineering
Pennsylvania American Water
800 West Hershey Drive
Hershey, PA 17033

Type of Facility Public Water Supply—Operation

Consulting Engineer Mr. Scott L. Armbrust
Pennsylvania American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055

Permit Issued April 11, 2019

Description of Action Authorizes Pennsylvania American Water-Philipsburg to operate two 15 horsepower, vertical, multistage centrifugal pumps in Scotch Hollow Booster Pump Station that replaced two horizontally-oriented centrifugal pumps that were approved for use September 21, 1994 but were disabled when Scotch Hollow Booster Pump Station was flooded in November 2016.

Permit No. 1919501MA—Construction—Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek Division**

Township/Borough Conyngham Township

County **Columbia County**

Responsible Official Mr. Patrick Burke, P.E.
Aqua Pennsylvania, Inc.
204 East Sunbury Street
Shamokin, PA 17827

Type of Facility Public Water Supply—Construction

Consulting Engineer Mr. David R. Knapton, P.E.
GHD, Inc.
230 Executive Drive
Cranberry Township, PA 16066

Permit Issued April 15, 2019

Description of Action Authorizes modifications to the Brush Valley Well Station high service pumps to meet the new flow/head conditions of the new 12-inch transmission main by trimming the impeller diameters of 5 of the 11 stages from 7.88 to 7.63 inches.

Permit No. MA-GWR—Construction & Operation—
Public Water Supply.

Applicant **Augusta Water, Inc.**

Township/Borough Upper Augusta Township

County **Northumberland County**

Responsible Official Mr. Thomas Wolfe
Augusta Water Inc.
183 Shock Road
Sunbury, PA 17801

Type of Facility Public Water Supply—
Construction & Operation

Consulting Engineer Mr. Kenneth Estep, P.E.
Mid-Penn Engineers Corporation
2049 W. Market Street
Lewisburg, PA 17837

Permit Issued April 15, 2019

Description of Action Approves 4-log inactivation of viruses for Augusta Spring (Entry Point 109), including a flow meter, sodium hypochlorite disinfection system, 127 feet of 8-inch diameter detention piping, two carbon filters connected in series for chlorine removal, and retention of one ultraviolet light. The other 8 previously permitted ultraviolet lights have been removed from the treatment system.

Permit No. 4919501MA—Construction—Public Water Supply.

Applicant **Augusta Water, Inc.**

Township/Borough Upper Augusta Township

County **Northumberland County**

Responsible Official Mr. Thomas Wolfe
Augusta Water Inc.
183 Shock Road
Sunbury, PA 17801

Type of Facility Public Water
Supply—Construction

Consulting Engineer Mr. Kenneth Estep, P.E.
Mid-Penn Engineers Corporation
2049 W. Market Street
Lewisburg, PA 17837

Permit Issued April 15, 2019

Description of Action Approves construction of two new vended water machines.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit No. 0418507, Public Water Supply.

Applicant **Pinehurst Estates, LLC**
524 Meadow Avenue Loop
Banner Elk, NC 28604

[Borough or Township] South Beaver Township

County **Beaver**

Type of Facility Pinehurst Estates MHC

Consulting Engineer Glace Associates, Inc.
3705 Trindle Road
Camp Hill, PA 17011

Permit to Construct April 12, 2019
Issued

Permit No. 0413507, Public Water Supply.

Applicant **Municipal Authority of the Borough of Midland**

[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 April 12, 2019
Issued

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, (**PWSID # 5300017**) Washington Township, **Greene County** on April 12, 2019 for the operation of facilities approved under Construction Permit # 3018515MA.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Transfer of Operation Permit issued to **Municipal Authority of the Borough of Port Allegany, PWSID No. 6420021**, Port Allegany Borough, **McKean County** on April 15, 2019. Action is for change in ownership; the potable water supplier will do business as Municipal Authority of the Borough of Port Allegany water system. The new permit number is 4273501-C1-T1.

WATER ALLOCATIONS

Actions taken on applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

WA 39-1005, Water Allocation, **MHC Green Acres LP**, 8785 Turkey Ridge Road, Breinigsville, PA 18031, Upper Macungie Township, **Lehigh County**. This action grants the MHC Green Acres LP the right to purchase up to 98,000 gallons per day (gpd), based on a daily average in a peak month, not to exceed 130,000 gallons in any given day (peak day) from the Lehigh County Authority. Permit issued March 25, 2019.

SUCCESSION TO WATER RIGHTS

Actions taken on permits/orders of confirmation issued under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth.

Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Change of Ownership

WA 47-1006A, Succession to Water Rights. The Department has acknowledged that Suez Water Pennsylvania, Inc, Harrisburg, **Dauphin County**, has given notice that it succeeded to all rights and obligations under Water Allocation Permit No. 47-1006A, issued to the former Mahoning Township, Mahoning Township, Montour County on March 15, 2019.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Upper Leacock Township	P.O. Box 325 Leola, PA 17540	Lancaster

Plan Description: Approval is granted for an update to the Official Plan of Upper Leacock Township, Lancaster County. The project is known as the Act 537 Sewage Facilities Plan for Upper Leacock Township, Lancaster County (DEP Code No. A2-36954-ACT). The plan provides for the continuation of the public sewer service areas already designated throughout the township with conveyance to the City of Lancaster Advanced Wastewater Treatment Plant. Areas of the township not currently served by public sewer will be maintained through the implementation of an on-lot sewage disposal system (OLDS) management program with a three-year septic tank inspection and pumping cycle to begin in 2019. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority, as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101–6026.907).

Provisions of Sections 301–308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301–6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation

standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Jairdullo Property, 3341 Sherwood Road, Palmer Township, **Northampton County**. JMT Industrial & Environmental Contracting, 710 Uhler Road, Easton, PA 18045, on behalf of Vincent and Sharon Jairdullo, 3341 Sherwood Road, Easton, PA 18045, submitted a Final Report concerning remediation of soil contaminated by releases from an underground storage tank that contained heating oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Vitali Property, 14025 Upper Maple Drive, Newton Township, **Lackawanna County**. Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508, on behalf of Fred Lance Fuel Company, 201 Monroe Street, Old Forge, PA 18518, submitted a Final Report concerning remediation of soil and groundwater contaminated as the result of a release of heating oil. The report is intended to document remediation of the site to meet Statewide Health Standards.

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Hershey 19 East Facility-The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033. Derry Township, **Dauphin County**. Langan Engineering & Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976, on behalf of The Hershey Company, 19 East Chocolate Avenue, Hershey, PA 17033, and Chocolate Realty DST, 10 Tara Boulevard, Suite 103, Nashua, NH 03062 submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of site

groundwater contaminated with VOCs, PAHs and inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Janet BRA Pad, Monroe Township, **Bradford County**. Creston Environmental, LLC, P.O. Box 1373, Camp Hill, PA 17001 on behalf of Chesapeake Appalachia, LLC, 300 North 2nd Street, Harrisburg, PA 17101, has submitted a Final Report concerning remediation of site soil contaminated with produced water. The report is intended to document remediation of the site to meet the Statewide Health Standard.

C.M. Trucking, LLC, Interstate 80 at MM 219.8W, Liberty Township, **Montour County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of C.M. Trucking, 370 Matinger Road, Toledo, OH 43610, has submitted a Final Report concerning remediation of site soil contaminated with motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports

submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania 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.

1501 North George Street, 1501 North George Street, York, PA 17404, Manchester Township, **York County**. Liberty Environmental, Inc., 505 Penn Street, Reading, PA 19601, on behalf of Molt, LLC, P.O. Box 20316, York, PA 17402, submitted a Remedial Investigation Report and Cleanup Plan concerning site soil and groundwater contaminated with leaded and unleaded gasoline. The Plan was disapproved by the Department on April 9, 2019.

Holtzman Oil Release/Reiff Property, Off Woodstock Road at I-81 SB, Chambersburg, PA 17202. Greene Township, **Franklin County**. Patriot Environmental Management, LLC, P.O. Box 629, Douglassville, PA 19518, on behalf of Holtzman Oil Corporation, 5534 North Main Street, Mt. Jackson, VA 22842, and Elam Reiff, 275 Goodhart Road, Shippensburg, PA 17257 submitted a Remedial Investigation and Final Report for site soil and groundwater contaminated with unleaded gasoline. The Final Report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department on April 11, 2019.

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Teddy Trucking Diesel Spill, 0 North Biddle Street, Gordon Borough, **Schuylkill County**. Taylor GeoServices, 38 Bishop Hollow Road, Newtown Square, PA 19073, on behalf of Teddy Trucking, 13805 Scott Street, Burnsville, MN 55337, submitted a final report concerning remediation of site soil contaminated with diesel fuel, motor oil, and engine fluids from a truck accident. The report documented remediation of the site to meet Statewide Health Standards and was approved by DEP on April 10, 2019.

Abbott Pad 2, 1229 Williams Pond Road, Bridgewater Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of a release of brine to soil. The report documented remediation of the site to meet a combination of Background and Statewide Health Standards and was approved by the Department on April 11, 2019.

Bethlehem Commerce Center Site—Lot 54, 1405 Easton Road, Bethlehem City, **Northampton County**. HDR, 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1720

Spillman Drive, Suite 150, Bethlehem, PA 18015, submitted a cleanup plan concerning remediation of site soils contaminated with historical fill. The report was acceptable to meet the Site-Specific Standard and was approved by the Department on April 11, 2019.

Lillian Wolf Property, 717 North Hokendauqua Drive, Moore Township, **Northampton County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Lillian Wolf, 1063 Mosser Road, Apartment Q107, Breinigsville, PA 18031, submitted a final report concerning remediation of site soil contaminated with heating oil from an aboveground storage tank. The report documented remediation of the site to meet residential Statewide Health Standards and was approved by DEP on April 15, 2019.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701.

Osborn & Sons Trucking, Interstate 80 at MM 227.5E, West Hemlock Township, **Montour County**. Environmental Products and Services of Vermont, Inc, 2902 Reach Road, Williamsport, PA 17701 on behalf of Osborn and Sons Trucking, Inc, 8903 N744 Osborn Way, Fond du Lac, WI 54937, submitted a Final Report concerning the remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on March 5, 2019.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received 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 Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Renewal Applications Received

Hazmat Environmental Group, Inc., 60 Commerce Drive, Buffalo, NY 14218-1040. License No. PA-AH 0315. Effective Apr 09, 2019.

Republic Environmental Systems (Transportation Group), LLC, 21 Church Rd., Hatfield, PA 19440. License No. PA-AH 0317. Effective Apr 12, 2019.

Allstate O.R.C., Inc., 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective Apr 09, 2019.

Transporter Licenses Reissued

Hazmat Environmental Group, Inc., 60 Commerce Drive, Buffalo, NY 14218-1040. License No. PA-AH 0315. Effective Apr 09, 2019.

Republic Environmental Systems (Transportation Group), LLC, 21 Church Rd., Hatfield, PA 19440. License No. PA-AH 0317. Effective Apr 12, 2019.

Allstate O.R.C., Inc., 473 Hamburg Turnpike, West Milford, NJ 07480-3746. License No. PA-AH 0564. Effective Apr 09, 2019.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Renewal Applications Received

Daniels SharpSMART, Inc., 111 W Jackson Boulevard, Chicago, IL 60604. License No. PA-HC 0254. Effective Apr 09, 2019.

AdvoWaste Medical Services, LLC, P.O. Box 356, Lakewood, NJ 08701. License No. PA-HC 0264. Effective Apr 09, 2019.

BioYork, LLC, 1444 East Lackawanna Ave., Olyphant, PA 18447. License No. PA-HC 0265. Effective Apr 01, 2019.

Regulated Medical and Chemotherapeutic Waste Transporter License Reissued

Daniels SharpSMART, Inc., 111 W Jackson Boulevard, Chicago, IL 60604. License No. PA-HC 0254. Effective Apr 09, 2019.

AdvoWaste Medical Services, LLC, P.O. Box 356, Lakewood, NJ 08701. License No. PA-HC 0264. Effective Apr 09, 2019.

BioYork, LLC, 1444 East Lackawanna Ave., Olyphant, PA 18447. License No. PA-HC 0265. Effective Apr 01, 2019.

HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

Draft permit issued 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 Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

PAD096844311. Action Manufacturing Company, 500 Baileys Crossroads Road, Atglen, PA 19310. Draft permit prepared for the RCRA Class 3 Hazardous Waste Permit Modification Application to allow small quantities of hazardous waste generated at the Action Manufacturing ("Action") Bristol plant to be stored and processed in the Thermal Treatment Unit (TTU) at the Action Atglen Plant, located at 500 Baileys Crossroads Road, Atglen, PA 19310, in West Fallowfield Township. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit was issued on March 26, 2019.

Comments concerning the application should be directed to the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915. Persons interested in obtaining more information about the general permit application may contact the Southeast Regional Office by telephone at 484.250.5960. TDD users may contact the DEP

through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 (relating to authorization for general permit)).

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit No. WMGR133SC001. CRS-SPV, Inc., 569 Industrial Drive, Lewisberry, PA 17339 in Fairview Township, **York County**. The Department of Environmental Protection has issued a Determination of Applicability under General Permit WMGR133 to CRS-SPV, Inc. This general permit authorizes the processing prior to beneficial use of end-of-use lamp phosphors by installing and operating a production process to remove remaining crushed glass from the spent lamp phosphor powder and chemically process the powder to refine valuable elements for sale or further processing. This Determination of Applicability was issued on April 9, 2019.

Persons interested in reviewing this general permit may contact John Oren, Permits Section Chief, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 301378. Highland Field Services, LLC, State Route 0066 and Lamont Road, Highland Township, **Elk County**. On April 10, 2019 the Department issued a municipal residual waste transfer station permit to Highland Field Services, LLC. This is a new residual waste transfer station permit (James City Injection Well Facility) for the storage and transfer of residual waste (Oil & Gas wastewaters). The James City Injection Well Facility was permitted to store no more than 197,400 gallons of Oil & Gas wastewaters on any single operating day. This facility is designed and operated as an off-loading facility for Oil & Gas wastewaters that are temporarily stored until transferred to injection wells for final disposal. The proposed operating hours are 24 hours/day and 7 days/week. The application was received August 20, 2018.

Persons interested in commenting on the permit may contact Christina S. Wilhelm, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920.

GP7-46-0050: Alcom Printing, Inc. (140 Christopher Lane, Harleysville, PA 19438) On April 12, 2019, for Sheet-fed Offset Lithographic Printing Press (Source ID 112) located in Lower Salford Township, **Montgomery County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-58-061: F.S. Insinger Excavating, Inc. (11099 Route 220, Dushore, NY 18614) on April 16, 2019, for the construction and operation of crushing operations at their site located at Eddleston Quarry, Franklin Township, **Susquehanna County**.

GP9-58-061: F.S. Insinger Excavating, Inc. (11099 Route 220, Dushore, NY 18614) on April 16, 2019, for the construction and operation of engines at their site located at Eddleston Quarry, Franklin Township, **Susquehanna County**.

GP3-40-027: The H & K Group, Inc. (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on April 3, 2019, for the construction and operation of a portable stone crushing plant at the facility located in Foster Township, **Luzerne County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

GP2-07-05025A: Sunoco Partners Marketing & Terminals, LP (101 West Third Street, Williamsport, PA 17701) on April 10, 2019, for the reactivation of four (4) volatile organic liquid storage tanks, under GP2, at the petroleum products distribution terminal located in Allegheny Township, **Blair County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

GP3-65-00994A: Ligonier Stone & Lime Company, Inc. (117 Marcia Street, Latrobe, PA 15650) on April 12, 2019, to authorize the use of a portable nonmetallic mineral processing plant at the SMT Property Mine located in Derry Township, **Westmoreland County**. The portable nonmetallic mineral processing plant will be used to process limestone. Emissions from the processing plant are 6.5 TPY PM and 2.9 TPY PM₁₀. The plant will be powered by four diesel-fueled nonroad engines. These engines are authorized under GP09-65-00994A as a separate notice in this bulletin. Facility-wide emissions, which

include the engines, are 6.8 TPY PM, 2.9 TPY PM₁₀, 6.3 TPY NO_x, 3.5 TPY CO, 1.9 TPY SO_x, and 2.3 TPY VOC.

GP9-65-00994A: Ligonier Stone & Lime Company, Inc. (117 Marcia Street, Latrobe, PA 15650) on April 12, 2019, to authorize the use of four diesel internal combustion engines to power a portable nonmetallic mineral processing plant at the SMT Property Mine located in Derry Township, **Westmoreland County**. The portable nonmetallic mineral processing plant will be used to process limestone. Emissions from the four nonroad engines, in tons per year (TPY) are as follows: 0.25 TPY PM, 6.3 TPY NO_x, 3.5 TPY CO, 1.9 TPY SO_x, and 2.3 TPY VOC. Facility-wide emissions were listed under the notice for GP3-65-00994A in this bulletin and included both the nonmetallic mineral processing plant and the four nonroad engines.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920.

23-0047I: Evonik Corp. (1200 W Front St., Chester, PA 19013-3438) On April 9, 2019, for the operation of two mills, a silo, and associated baghouses at their facility in the City of Chester, **Delaware County**.

23-0066D: Pyromet (5 Commerce Dr., Aston, PA 19014-3201) On April 9, 2019, to remove the operating hour restriction and correct the rated heat input for the Silver Recovery Furnace (Source Id 107) located in Chester Township, **Delaware County**.

15-0010E: ArcelorMittal Plate LLC (139 Modena Rd., Coatesville, PA 19320-4036) On April 12, 2019, for the replacement of two Ladle Preheater burners associated with Source ID No. 229 in the City of Coatesville, **Chester County**.

09-0196L: Abington Reldan Metals LLC (550 Old Bordertown Rd., Fairless Hills, PA 19030-4510) On April 12, 2019, for the replacement of an existing thermal destructor and baghouse at their facility in Falls Township, **Bucks County**.

46-0027E: Janssen Research & Development LLC (Welsh & McKean Rd., Spring House, PA 19477) On April 12, 2019, for the operation of two dual fuel fired boilers at their location in Lower Gwynedd Township, **Montgomery County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

60-00024A: GAF Keystone, LLC (2093 Old Route 15, New Columbia, PA 17856) on April 10, 2019, to extend the plan approval expiration date to October 20, 2019 to allow source testing and continued operation of several plastic roofing materials manufacturing lines at its facility in White Deer Township, **Union County**.

08-00050B: Eureka Resources, LLC (451 Pine Street, Williamsport, PA 17701) on April 1, 2019, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from May 3, 2019 to October 30, 2019, at their Standing Stone Oil and Gas

Wastewater Treatment Facility located in Standing Stone Township, **Bradford County**. The plan approval has been extended.

14-00003F: Pennsylvania State University (101P Physical Plant Bldg, University Park, PA 16802) on April 1, 2019, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from April 22, 2019 to October 19, 2019, at their University Park Campus located in College Township and State College Borough, **Centre County**. The plan approval has been extended.

47-00015A: Boral Resources, LLC (18 McMichael Road, Danville, PA 17821) on April 9, 2019, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from March 23, 2019 to September 19, 2019, at their Flyash Processing Plant located in Derry Township, **Montour County**. The plan approval has been extended.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-001P: AK Steel Corporation—Butler Works (P.O. Box 832, Butler, PA 16003) on April 10, 2019, effective April 30, 2019, has issued a plan approval extension for the proposed modification to plan approval 10-001N emission limitations and removal of 40 CFR 63 Subpart DDDDD requirements for Source 162 (Carlite Line Dry Furnace 26) in Butler City, **Butler County**. This is a Title V facility. This will expire on October 31, 2019.

42-246A: National Fuel Gas Supply Corporation (6363 Main Street, Williamsville, NY 14221) on April 10, 2019, effective April 30, 2019, has issued a plan approval extension for the construction and operation of the Keelor Compressor Station in Wetmore Township, **McKean County**. Proposed sources include but are not limited to 4 natural gas fired internal combustion engines, 3 microturbines, and one triethylene glycol dehydration unit in Wetmore Township, McKean County. This will expire on October 31, 2019.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Contact: Ed Orris, P.E., New Source Review Chief—Telephone: 412-442-4168.

32-00436A: John A. Lefdahl Funeral Home (898 Old Route 119 North, Indiana, PA 15701) plan approval extension effective on April 28, 2019, with expiration on October 28, 2019, for continued temporary operation of an animal crematory incinerator at its facility located in White Township, **Indiana County**.

63-00930A: Woodruff Partners, LLP—DBA Peaceful Pastures Pet Cemetery (2820 Washington Road, McMurray, PA 15317) plan approval extension effective on April 28, 2019, with expiration on October 28, 2019, for continued temporary operation of two (2) animal crematory incinerators at its facility located in North Strabane Township, **Washington County**.

Title V Operating Permits Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00017: Exelon Generation Co.—Eddystone Generating Station (One Industrial Highway, Eddystone, PA 19022) On April 12, 2019, for a renewal of the Title V Operating Permit for two fossil-fuel generating units in Eddystone Borough, **Delaware County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

23-00050: Prospect CCMC LLC (175 E Chester Pike, Ridley Park, PA 19078) On April 12, 2019, for renewal of the State Only Operating Permit for its Taylor Hospital, located in Ridley Park Borough, **Delaware County**.

09-00227: Central Bucks Crematory, LLC (944 North Main Street, Doylestown, PA 18901) On April 12, 2019 for installation of a human cremation unit at an existing funeral home in Doylestown Borough, **Bucks County**.

15-00151: Pacer Industries, Inc. (200 Red Road, Coatesville, PA 19320), On April 12, 2019, for an increase in the production of depolymerized natural rubber (DPR) at its existing grinding wheel manufacturing facility, which is located in Valley Township, **Chester County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2507.

54-00090: Riverside Cremation Services, LLC (25 East Main Street, Schuylkill Haven, PA 17972). On April 15, 2019 the Department issued an initial State-Only Natural Minor Permit for the crematory located in Schuylkill Haven Borough, **Schuylkill County**. This facility operates a combustion unit with two chambers/burners. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

41-00010: Andritz, Inc. (35 Sherman Street, Muncy, PA 17756) on April 12, 2019 issued a State only operating permit for their facility located in Muncy Borough/Muncy Creek Township, **Lycoming County**. The facility's sources include natural gas-fired space heaters rated less than 2.5 million Btu per hour, natural gas-fired space heaters rated between 2.5 million and 4.0 million Btu per hour, a surface coating operation, a polyurethane foam packaging operation, a pattern shop, degreasers, eight ladle torches, seven electric induction furnaces, a refiner plate molding line, a no-bake floor molding line, a general castings operation, two natural gas/propane-fired emergency generators, two binder storage tanks and a plate finishing operation. The State only operating permit

contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00019: Professional Building Systems, Inc. (72 East Market Street, Middleburg, PA 17842-1064) on April 9, 2019, to issue a State only operating permit for their facility located in Middleburg Borough, **Snyder County**. The facility's sources include three # 2 fuel oil-fired boilers, all rated less than 3 million Btu per hour, three propane-fired heaters, all rated less than 0.15 million Btu per hour, two wood-fired boilers, both rated less than 0.61 million Btu per hour, three # 2 fuel oil storage tanks, two parts washers and two modular home manufacturing plants. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00108: Highway Materials, Inc.—Perkiomenville Quarry (1128 Crusher Road, Perkiomenville, PA 18074) On April 12, 2019, the Operating Permit was administratively amended to incorporate terms and conditions of General Permit No. GP3-46-0153 for a portable crusher (Source ID 1004) and General Permit No. GP9-46-0102, the crusher's associated engine (Source ID 1019) for its Perkiomenville Quarry, located in Marlborough Township, **Montgomery County**.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, Thomas Bianca, New Source Review Chief, 717-705-4863, or William Weaver, Regional Air Quality Manager, 717-705-4702.

22-05013: Mountain Ridge Metals, Inc. (State Route 2019, Millersburg, PA 17061) on April 2, 2019, for the aluminum extruded products manufacturing facility located in Upper Paxton Township, **Dauphin County**. The Title V permit was administratively amended in order to reflect a change of ownership.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701.

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648.

60-00005: ACPI Wood Products, LLC (100 Industrial Park, Mifflinburg, PA 17844) was issued a revised State Only operating permit on April 4, 2019, for a minor modification to the rated input capacity of two wood-fired boilers in use at their facility located in the Borough of Mifflinburg, **Union County**. A change of ownership was also included in the revised permit. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00230: East Norriton Plymouth Meeting Whitpain Joint Sewer Authority (200 Ross Street, Plymouth Meeting, PA 19462) On April 12, 2019, for shutdown of the sewage sludge incinerator at the water treatment facility in Plymouth Township, **Montgomery County**. The operating permit was revoked because of the permanent shutdown of the sewage sludge incinerator, the only significant source of air emissions at the facility.

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

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 56120101. AK Coal Resources, Inc., 1134 Stoystown Road, Friedens, PA 15541, transfer of an existing bituminous surface and auger mine from Wilson Creek Energy, LLC, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, located in Jenner Township, **Somerset County**, affecting 56.5 acres. Receiving stream: Hoffman Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Quemahoning Reservoir. Application received: November 28, 2018. Permit issued: April 4, 2019.

Permit No. 32120103 and NPDES No. PA0262897. Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, permit renewal for the continued operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 36 acres. Receiving streams: unnamed tributary to/and Horton Run, unnamed tributary to Cush Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2018. Permit issued: April 9, 2019.

Permit No. 3366BSM84 and NPDES No. PA0248797. Penn Coal Land, Inc., P.O. Box 68, Boswell, PA 15531, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 12.5 acres. Receiving streams: Buffalo Creek & Tubs Run, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 6, 2019. Permit issued: April 10, 2019.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

16190101 and NPDES Permit No. PA0280666. Ben Hal Mining, Inc. (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface mine in Highland Township, **Clarion County** affecting 84.0 acres. Receiving streams: Reed Run. Application received: January 17, 2019. Permit issued: April 9, 2019.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

65840119 and NPDES Permit No. PA0601047. Derry Stone & Lime Company, Inc. (117 Marcia Street, Latrobe, PA 15650-4300). Permit renewal issued for continued mining to an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 643.7 acres. Receiving streams: unnamed tributaries to Stony Run and McGee Run. Application received: August 17, 2017. Renewal permit issued: April 9, 2019.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. GP12-54900205. Wheelabrator Culm Services, Inc., (100 Arboretum Drive, Suite 310, Portsmouth, NH 03801), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54900205 in Mahanoy Township, **Schuylkill County**. Application received: October 5, 2018. Permit issued: April 9, 2019.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900.

Permit No. 28992807. St. Thomas Towing & Auto Repair, Inc., 4571 Racetrack Road, St. Thomas, PA 17252, bond release on a small noncoal (industrial minerals) operation in St. Thomas Township, **Franklin County**, affecting 3.0 acres. Receiving stream: unnamed tributary to Back Creek. Application received: February 14, 2019. Permit issued: April 10, 2019.

Permit No. 28030302 and NPDES No. PA0224359, St. Thomas Development, Inc., 409 Stenton Avenue, Flourtown, PA 19031, commencement, operation and restoration of a large noncoal (industrial minerals) operation to mine the next 50-foot bench level on the existing permit located in St. Thomas Township, **Franklin County**, affecting 352.5 acres. Receiving stream: unnamed tributary to Campbell Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: September 27, 2018. Permit issued: April 10, 2019.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

PAM618082. Gregory R. Ebbert (580 Mill Creek Road, Utica, PA 16362). General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43940801 in Mill Creek Township, **Mercer County**. Receiving streams: Unnamed tributary to Sandy Lake. Application received: December 24, 2018. Permit issued: April 3, 2019.

10182802. Ben Hal Mining, Inc. (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a small industrial minerals mine in Marion and Irwin Townships in **Butler and Venango Counties** affecting 5.4 acres. Receiving streams: Unnamed tributary to Blacks Creek. Application received: May 25, 2018. Permit issued: April 11, 2019.

PAM618038. Ben Hal Mining, Inc. (389 Irishtown Road, Grove City, PA 16127). General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 10182802 in Marion and Irwin Townships, **Butler and Venango Counties**. Receiving streams: Unnamed tributary to Blacks Creek. Application received: May 25, 2018. Permit issued: April 11, 2019.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 58100302C and NPDES Permit No. PA0224855. William M. Ruark, (P.O. Box 27, Meshoppen, PA 18630), renewal of an existing NPDES Permit for discharge of treated mine drainage from a quarry operation in Dimock Township, **Susquehanna County**, receiving stream: unnamed tributary to Elk Lake Stream and West Creek. Application received: June 4, 2018. Renewal issued: April 9, 2019.

Permit No. 58180802. MCR Stone Quarry, LLC, (37 Fairfield Avenue, Danbury, CT 06810), commencement, operation and restoration of a quarry operation in Springville Township, **Susquehanna County** affecting 5.0 acres, receiving stream: no discharge to unnamed tributary to Stevens Creek. Application received: April 2, 2018. Permit issued: April 10, 2019.

Permit No. PAM118013. MCR Stone Quarry, LLC, (37 Fairfield Avenue, Danbury, CT 06810), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58180802 in Springville Township, **Susquehanna County**, receiving stream: no discharge to unnamed tributary to Stevens Creek. Application received: April 2, 2018. Permit issued: April 10, 2019.

Permit No. 7474SM1A1C14 and NPDES Permit No. PA0119253. New Enterprise Stone & Lime Co., Inc., (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), correction to an existing quarry operation and NPDES Permit for discharge of treated mine drainage from a quarry to update the average discharge rate from 2.0 MGD to 12.0 with a daily maximum of 16.0 MGD in Upper and Lower Nazareth and Palmer Townships, **Northampton County** affecting 140.4 acres, receiving stream: unnamed tributary to Schoeneck Creek. Application received: August 6, 2018. Correction issued: April 10, 2019.

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

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191.

42194002. PA General Energy Company, LLC (120 Market Street, Warren, PA 16356). Blasting activity permit for construction blasting in Norwich Township, **McKean County**. This blasting activity permit will expire on December 31, 2019. Permit issued: April 4, 2019.

New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

30194103. Wampum Hardware Company (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction/demolition of the Hilltop Energy Site, located in Cumberland Township, **Greene County** with an expiration date of December 31, 2020. Blasting permit issued: April 9, 2019.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118.

Permit No. 38194105. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Rosewood Marketing in Jackson Township, **Lebanon County** with an expiration date of June 30, 2019. Permit issued: April 9, 2019.

Permit No. 58194104. John H. Brainard, (P.O. Box 66, Clifford, PA 18413), construction blasting for John Tompkins Borrow Pit in Gibson Township, **Susquehanna County** with an expiration date of December 31, 2020. Permit issued: April 9, 2019.

Permit No. 06194106. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for 105 Indian Run Drive in Amity Township, **Berks County** with an expiration date of March 20, 2020. Permit issued: April 10, 2019.

Permit No. 36194115. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Creekside Crossings in Ephrata Township, **Lancaster County** with an expiration date of December 30, 2019. Permit issued: April 10, 2019.

Permit No. 67194107. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Royal Farms Mini Mart in Springettsbury Township, **York County** with an expiration date of April 9, 2020. Permit issued: April 10, 2019.

Permit No. 06194109. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Town Square Plaza in Muhlenberg Township, **Berks County** with an expiration date of April 11, 2010. Permit issued: April 15, 2019.

Permit No. 36194117. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Woodcrest Villa in East Hempfield Township, **Lancaster County** with an expiration date of April 10, 2020. Permit issued: April 15, 2019.

Permit No. 36194118. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bell Wall Truss in Paradise Township, **Lancaster County** with an expiration date of September 30, 2019. Permit issued: April 15, 2019.

Permit No. 36194119. M & J Explosives, LLC, (P.O. Box 1248, Carlisle, PA 17013), construction blasting for State Road Commerce Park in East Hempfield Township, **Lancaster County** with an expiration date of April 2, 2020. Permit issued: April 15, 2019.

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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E18-509: Liberty Truckstop Inc, 2227 Scranton Carbondale Highway, Scranton, PA 18508. Avis Travel Plaza, in Pine Creek Township, **Clinton County**, U.S. Army Corps of Engineers Baltimore District (Jersey Shore Quadrangle; 41° 10' 50.8"N; 77° 19' 33.2"W).

To maintain 997 square feet (0.02 acre) of permanent fill in a palustrine scrub-shrub wetland to provide safe access for trucks utilizing the diesel fuel canopy located at the Liberty Truckstop in Avis.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

E02-1742, Elizabeth Township, 522 Rock Run Road, Elizabeth, PA 15037, Elizabeth Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

Place and maintain fill in approximately 0.78 acre of floodway and 1.26 acre of floodplain, on and along approximately 210 linear feet of the left bank of the Youghiogheny River (WWF), and to regrade and maintain the left bank of the Youghiogheny River (WWF) for the purpose of constructing an additional soccer field, adjacent to an existing soccer field. The project is located approximately 400 feet downstream from the Boston Bridge (McKeesport, PA Quadrangle; (Lat: 40° 18' 40.09"; Long: 79° 49' 54.47") in Elizabeth Township, Allegheny County.

E30-061-A1, Sunset Marina, Route 88, P.O. Box 161, Millsboro, PA 15348, Jefferson Township, **Greene County**, Pittsburgh ACOE District.

Has been given consent to:

Amend E30-061 to include, to operate, and maintain an additional 322-linear feet of floating dock and a boat ramp, upstream of the previously permitted dock and a boat ramp and 394-linear feet of dock, downstream from the previously permitted dock. This project impacted approximately 0.54 acre of the right bank of the South Fork of Tenmile Creek (WWF). Mitigation is accounted for by limiting the impact of the project on its surroundings. The project is located 0.7 mile upstream from the mouth of Tenmile Creek (Mather, PA USGS Quadrangle, Lat: 39° 58' 53.48"; Long: -80° 0' 46.71"), in Jefferson Township, Greene County.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481.

E61-302, Pennzoil-Quaker State Company, 1160 Rustling Wind Lane, League City, TX 77573. PQS Plant 2 Refinery Outfall X/NTC Pipeyard Bank Restoration, in Cornplanter Twp, **Venango County**, ACOE Pittsburgh District.

Construct and maintain streambank stabilization and pollution control activities including repairs to the existing retaining walls, installing hydrocarbon absorption material, and installing a diffuser apron at the existing outfall impacting a total of approximately 177 feet of the right (west) bank of Oil Creek at the former NTC Pipeyard (Oil City, PA Quadrangle N: 41.44887°; W: -79.695248°) and Pennzoil Quaker State Plant 2 Refinery

(Oil City, PA Quadrangle N: 41.447337°; W: -79.690622°) east of Oil City in Cornplanter Township, Venango County.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.

E5829-135: Forest Lake and Jessup Townships, Williams Field Services Company, LLC, 310 State Route 92 North, Tunkhannock, PA 18657, Forest Lake and Jessup Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,027 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 41", Longitude: -76° 01' 42"),

2) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 53 lineal feet of Stonestreet Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 43", Longitude: -76° 01' 38"),

3) a temporary timber mat crossing impacting 233 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 52' 42", Longitude: -76° 01' 06"),

4) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 50 lineal feet of Middle Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 41", Longitude: -76° 01' 04"),

5) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 791 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 42", Longitude: -76° 00' 55"),

6) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 223 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 50' 30", Longitude: -76° 00' 51"),

7) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 59 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 21", Longitude: -76° 01' 54"),

8) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 51 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 20", Longitude: -76° 01' 55"),

9) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 31 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 19", Longitude: -76° 00' 57"),

10) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 57 lineal feet of an unnamed tributary to Middle Branch Wyalusing Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 50' 18", Longitude: -76° 00' 58"),

11) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 601 square feet (0.01 acre) of a palustrine emergent

wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 51", Longitude: -76° 00' 47"),

12) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,009 square feet (0.02 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 51", Longitude: -76° 00' 47"),

13) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 174 square feet (0.01 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 50", Longitude: -76° 00' 46"),

14) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 3,420 square feet (0.08 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 50", Longitude: -76° 00' 45"),

15) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,819 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 50", Longitude: -76° 00' 40"),

16) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,022 square feet (0.05 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 49", Longitude: -76° 00' 32"),

17) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 67 lineal feet of Snell Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 49' 49", Longitude: -76° 00' 32"),

18) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 52 lineal feet of an unnamed tributary to Roe Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 49' 25", Longitude: -75° 59' 48"),

19) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,331 square feet (0.03 acre) of a palustrine forested wetland (PFO) (Lawton, PA Quadrangle; Latitude: 41° 49' 24", Longitude: -75° 59' 48"),

20) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,109 square feet (0.05 acre) of a palustrine forested wetland (PFO) (Lawton, PA Quadrangle; Latitude: 41° 49' 24", Longitude: -75° 59' 47"),

21) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 1,927 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 14", Longitude: -75° 59' 42"),

22) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,515 square feet (0.06 acre) of a palustrine emergent wetland (PEM) (Lawton, PA Quadrangle; Latitude: 41° 49' 14", Longitude: -75° 59' 39"),

23) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 53 lineal feet of Roe Creek (CWF, MF) (Lawton, PA Quadrangle; Latitude: 41° 49' 13", Longitude: -75° 59' 38"),

24) a 16-inch diameter steel natural gas gathering pipeline and temporary timber mat bridge crossing impacting 139 lineal feet of floodway to an unnamed

tributary to Roe Creek (CWF, MF) (Lawton, PA Quad-range; Latitude: 41° 49' 26", Longitude: -75° 59' 48").

The natural gas gathering pipeline project consists of constructing approximately 19,758 lineal feet of 16-inch steel natural gas pipeline located in Forest Lake and Jessup Townships, Susquehanna County. The project will result in 457 lineal feet of stream impacts, 15,761 square feet (0.36 acre) of palustrine emergent wetland impacts, and 3,440 square feet (0.08 acre) of palustrine forested wetland impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

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, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-3 # ESX15-125-0039 Major Revision
Applicant Name EQM Gathering, LLC
Contact Person Hanna McCoy
Address 2200 Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Carroll & Fallowfield Townships
Receiving Stream(s) and Classification(s) UNTs to Sawmill Creek of Pigeon Creek Watershed which has a Chapter 93 designated & existing use as Warm Water Fishes (WWF)

ESCGP-3 # ESG18-125-0030
Applicant Name EQM Gathering OPCO, LLC
Contact Person Tyler Conlon
Address 2200 Energy Drive
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) East Finley & West Finley Townships
Receiving Stream(s) and Classification(s) Tributary 32732, 32733, 32720, 32729, 32728, 32726, 32727, 32711, 32709, 32710 to Templeton Fork/Tributary 32718, 32716 to Rocky Run/Tributary 32707, 32699,

32698, 32695, 32694, 32693, 32692 to Enlow Fork/Tributary 32661 to Robinson Fork/Tributary 32479, 32496 to Unkard Fork Tributary 32503, 32502, 32501 to Stone Coal Run

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-3 # ESG080319003-00—Tickle Farms to Poverty Hill Pipeline
Applicant EXCO Resources (PA), LLC
Contact Mr. Brian Rushe
Address 13448 State Route 422, Suite 1
City Kittanning State PA Zip Code 16201
County Armstrong Township(s) Rayburn
Receiving Stream(s) and Classification(s) UNT to Cowan-shannock Creek

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-3 # ESG290818002-00
Applicant Name Repsol Oil & Gas USA, LLC
Contact Person Lance Ridall
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Columbia and Armenia Twps.
Receiving Stream(s) and Classification(s) UNT to Morgan Creek (TSF, MF) and UNT to Sugar Creek (TSF, MF).
Secondary: Morgan Creek (TSF, MF) and Sugar Creek (TSF, MF).

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The following plans and reports were submitted under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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 non-residential 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.

For further information concerning plans or reports, please contact the Environmental Cleanup Program Manager in the DEP 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 listed. TDD users may

telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup & Brownfields Program Manager, 2 East Main Street, Norristown, PA 19401.

FJ Janoski Petro Bulk Plt, 46-43193, 2944 Felton Rd, East Norriton Township, **Montgomery County**. ATC Group Services LLC, 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 on behalf of Mr. Tom Rapine, Estate of Frank Janoski, P.O. Box 62271, King of Prussia, PA 19406-2271 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

Prince Fuel, 51-23896, 7601 Frankford Ave, **City of Philadelphia**. Compliance Management International, Inc., 1350 Welsh Road, Suite 200, North Wales, PA 19454, on behalf of Prince Fuel Company, 7601 Frankford Ave, Philadelphia, PA 19136 submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet site specific standards.

LUKOIL 69267, 51-35251, 220 Franklin Mills Cir, **City of Philadelphia**. Envirotrac Ltd., 3070 Bristol Pike, Building 1, Suite 221, Bensalem, PA 19020, on behalf of LUKOIL North America, LLC, 302 Harper Drive, Suite 303, Moorestown, NJ 08057 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet residential Statewide health standards.

Rdm Mgmt, 23-16851, 1406 Naamans Creek Rd, Bethel Township, **Delaware County**. Marshall Geoscience, Inc, 170 East First Avenue, Collegeville, PA 19426, on behalf of RDM Management, LLC, 5501 Pennell Road, Media, PA 19063-6508, submitted a Site Characterization Report 310(b) concerning remediation of soil contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet residential Statewide health standards.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Pilot Travel Center 245, Storage Tank Primary Facility ID # 22-03902, 7961 Linglestown Road, Harrisburg, PA 17112, West Hanover Township, **Dauphin County**, Sovereign Consulting, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086, on behalf of Pilot Travel Centers, LLC, P.O. Box 10146, 5508 Lonas Drive, Knoxville, TN 37939 submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with petroleum constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Rusty's Amoco, Washington Road BP, Primary Facility ID # 63-09686, 481 Washington Road, Washington, PA 15301, South Strabane Township, **Washington County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Coen Markets, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317, submit-

ted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Glassmart # 241, Former Brubaker's Citgo, Primary Facility ID # 65-02418, 6153 Leechburg Road, Leechburg, PA 15656, Allegheny Township, **Westmoreland County**. Letterle and Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA 15101, on behalf of Glassmere Fuel Service, Inc., P.O. Box 187, Curtisville, PA 15032, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Guttman Oil Company-Former Pacific Pride Facility, Primary Facility ID # 02-37407, 1030 Transit Boulevard, Bethel Park, PA 15102, Bethel Park Borough, **Allegheny County**. Apex Companies, LLC, 1600 Commerce Circle, Trafford, PA 15085 on behalf of Guttman Oil Company, 200 Speers Street, Belle Vernon, PA 15012 submitted a Site Characterization and Remedial Action Plan concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Vandermark Amoco, Primary Facility ID # 63-09662, 604 and 608 Main Street, Bentleyville, PA 15314, Somerset Township, **Washington County**. ECS Mid-Atlantic, LLC, 56 Grumbacher Road, Suite D, York, PA 17406 on behalf of Coen Market, Inc., 1000 Philadelphia Street, Canonsburg, PA 15317, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site-Specific Standard.

Former Gulf Station, Primary Facility ID # 02-09208, 500 McNeilly Road, Pittsburgh, PA 15226, Baldwin Township, **Allegheny County**. Arcadis U.S. Inc., 10 Friends Lane, Suite 100, Newtown, PA 18940, on behalf of Chevron U.S.A. Inc., Chevron Environmental Management Company, 4800 Fournace Place, Bellaire, TX 77401, submitted a Remedial Action Completion Report concerning the remediation of soil and groundwater contaminated with petroleum products. The report is intended to document remediation of the site to meet the Statewide Health Standard.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

The DEP has taken action on the following plans and reports under the Storage Tank and Spill Prevention Act (35 P.S. §§ 6021.101—6021.2104).

Provisions of 25 Pa. Code Chapter 245 Subchapter D, Administration of the Storage Tank and Spill Prevention Program, require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports.

A remedial action plan is submitted to summarize the site characterization, document the design and construction details for the remedial action, and describe how the remedial action will attain the selected remediation standard. The remedial action plan also provides results of

studies performed and data collected to support the remedial action and a description of postremediation care requirements. A remedial action completion report is submitted to document cleanup of a release of a regulated substance at a site to the selected remediation standard. A remedial action completion 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 non-residential 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.

The DEP may approve or disapprove plans and reports submitted. This notice provides the DEP's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, please contact the Environmental Cleanup Program Manager in the DEP Regional Office under which the notice of the plan or report appears. If information concerning a report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the DEP through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The DEP has received the following plans and reports:

Northeast Region: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

LAT Convenience, Storage Tank ID # 40-27015, 828 South Main Street, Duryea Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of LAT Convenience Inc., 581 Market Street, Kingston, PA 18704, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with petroleum. The Remedial Action Completion Report demonstrated attainment of the residential Statewide Health Standards for soil and groundwater and was approved by DEP on April 9, 2019.

Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

Blanks Service Station, Storage Tank Primary Facility ID # 36-20727, 5402 Lincoln Highway, Gap, PA 17527-9766, Salisbury Township, **Lancaster County**, Reliance Environmental, 235 North Duke Street, Lancaster, PA 17602, on behalf of Blanks Service Station, P.O. Box 228, Gap, PA 17527-0228, submitted a Remedial Action Completion Report concerning remediation of soil contaminated with unleaded gasoline short-list constituents. The Remedial Action Completion Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on April 10, 2019.

SPECIAL NOTICES

Revision to the Registered ERCs in the Commonwealth's ERC Registry

The Department of Environmental Protection (Department) has approved the following Emission reduction credits (ERCs) and entered into ERC registry system. ERCs are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of criteria pollutants. The Department maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements.

The certified ERCs shown as follows, in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P.O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at <http://www.dep.pa.gov/Business/Air/BAQ/Permits/Pages/EmissionCredit.aspx>. Below are the listings of changes compared to the previous quarter.

Bureau of Air Quality Summary of Revised Certified ERCs [January 1 to March 31]

[2019]

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Philadelphia Authority for Industrial Development	NO _x	27.16	1/01/2019	Trading
Sources: 3 boilers	SO _x	53.38	1/01/2019	
Source Location: 2000 Constitution Ave, Philadelphia	CO	4.52	1/01/2019	
County: Philadelphia	VOCs	0.27	1/01/2019	
Contact Person: Raymond McCaffrey	PM ₁₀	5.24	1/01/2019	
Telephone Number: (215) 389-0835	PM _{2.5}	2.92	1/01/2019	
			[Expired]	

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
NRG REMA, LLC Township: Upper Mount Bethel Source Location: Portland Generating Station County: Northampton Contact Person: Kevin R. Shumaker Telephone Number: (724) 597-8390	VOCs NO _x	16.84 2,331.40	12/01/2025 12/01/2025	Trading
Merck, Sharp & Dohme Source Location: 770 Sumneytown Pike, P.O. Box 4, WP2-205, West Point, PA 19486-0004 Source: Rotary Kiln Incinerator (005) County: Montgomery Contact Person: Amy Earley Telephone Number: (215) 652-4247	NO _x PM ₁₀	10.43 1.36	2/19/2027 2/19/2027	Trading
Mack Trucks, Inc. Sources: 106 107 Township: Lower Macungie County: Lehigh Contact Name: Robert Peterson Telephone Number: (610) 966-8810	VOCs VOCs	39.06 4.34	12/04/2027 12/04/2027	Trading

Summary of Revised ERC Transactions

[January 1 to March 31]

[2019]

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

[No Changes]

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.5.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701.

Plan Location: The Town of Bloomsburg and Scott Township, Columbia County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
The Town of Bloomsburg	301 E. Second St. Bloomsburg, PA 17815	Columbia

Plan Description: The plan provides for the the continuation of the levee system construction project. This phase proposes the construction of two sanitary sewage pump stations along existing gravity sanitary lines, installation of two sewage flow control structures, in conjunction with the pump stations, replacement of a 30-inch gravity sewer line, and removal of two sanitary pump stations associated with the previous Columbia County Flood Risk Management System. The submission is consistent with the planning requirements in Chapter 71 of DEP's regulations. The proposal has a projected cost of \$1,100,000. The funding source identified is a grant from the Housing and Urban Development Community Development Block Grant Disaster Recovery (CDBG-DR). No significant environmental or historical impacts were identified in the review of the plan.

Erosion and Sediment Control Permit Modification

The Department of Environmental Protection (Department) provides notice of request for a permit modification for the following listed Chapter 102, Erosion and Sediment Control Permit, currently under review for Pennsylvania Pipeline Project (PPP)/Mariner East II.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>DEP Regional Office</i>
ESG0500015001-1	Sunoco Pipeline, LP (SPLP) 535 Fritztown Road Sinking Spring, PA 19608	Cambria	Southwest Region

This request, received January 1, 2019, is titled Modification Request for Reroute and Installation Method Change at Goldfinch Lane and William Penn Horizontal Directional Drills (HDDs). Additional information was received on April 4, 2019. The major amendment involves a change in the route and installation methodology from HDD to open trench with a conventional bore under William Penn Avenue for the 16-inch line. This request is due to geologic conditions and the risk of inadvertent returns associated with HDD installation at Goldfinch Lane and William Penn Avenue. The reroute includes the addition of 10.83 acres to the Limit of Disturbance (LOD). The receiving waters for the LOD included in the major amendment are an Unnamed Tributary to Hinckston Run and Hinckston Run, both designated as cold water fishes.

For more detailed information regarding the Southwest (ESG0500015001-1) Chapter 102 permit application related to this proposed project, which is available in the Department's regional office and available online at dep.pa.gov/pipelines, contact Dana Drake, (412) 442-4000 to request a file review. The Department will accept written comments on this Chapter 102 permit amendment request through Tuesday, May 28, 2019. Comments on the application can be e-mailed or sent by postal mail to the Department of Environmental Protection, Southwest Regional Office, Waterways and Wetlands Program, 500 Waterfront Drive, Pittsburgh, PA 15222, ra-epww-swro@pa.gov.

[Pa.B. Doc. No. 19-617. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Availability of Technical Guidance

Technical guidance documents (TGD) are available on the Department of Environmental Protection's (Department) web site at www.elibrary.dep.state.pa.us. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final TGDs are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download TGDs. When this option is not available, persons can order a paper copy of any of the Department's draft or final TGDs by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to TGDs

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Withdrawal of Technical Guidance

DEP ID: 800-4000-002. *Title:* Civil Penalty Assessment Informal Hearing Procedure for the Office of Oil and Gas Management. *Description:* This TGD was published as a draft at 44 Pa.B. 2582 (April 26, 2014). Section 3256 of the 2012 Oil and Gas Act (act) (58 Pa.C.S. § 3256) provides that the Department may assess a civil penalty for violations of the act or a regulation, order or permit issued by the Department under the act, after a hearing. Section 3256 of the act further provides that a person charged with a penalty must, within 30 days of notification, pay the penalty or file an appeal of the assessment with the Environmental Hearing Board. This document outlined a procedure for the conduct of the informal civil penalty assessment hearings. This document is being withdrawn because it is not necessary.

Contact: Questions regarding this action can be directed to Kurt Klappkowski, Bureau of Oil and Gas Planning and Program Management, P.O. Box 8765, Harrisburg, PA at kklappkowsk@pa.gov or (717) 772-2199.

Effective Date: April 27, 2019

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-618. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OOGM 18-5, Cleaning Out and Plugging One Abandoned Oil and Gas Well, Lawrence Township, Clearfield County. The principal items of work and approximate quantities include the following: clean out and plug one abandoned oil and gas well, estimated to be 4,000 feet in depth, to Department of Environmental Protection (Department) specifications; prepare and restore well sites/site; and mobilize and demobilize plugging equipment.

This bid issues on May 10, 2019, and bids will be opened on June 13, 2019, at 2 p.m. Bid documents may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. A mandatory prebid conference is scheduled for May 29, 2019, at 10 a.m. at 1867 Carrs Hill Road, Clearfield, PA. From Hyde, PA, head northwest on SR-1002 (Montgomery Run Road) approximately 1 mile. Take a slight left onto Carrs Hills Road. Access is through the driveway located at 1867 Carrs Hill Road, Clearfield, PA. Individuals can go right up the driveway from Carrs Hill Road. Failure to attend the prebid conference will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-619. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 02(0459)202.1, Abandoned Mine Reclamation Project, Chalfant Run, Churchill Borough, Allegheny County. The principal items of work and approximate quantities include: cast-in-place inlet box, 1 each; subsurface drains—tie-in to existing concrete inlet, 1 lump sum; subsurface drains—12" N-12 dual wall HDPE solid pipe, 30 linear feet; subsurface drains—8" PVC SDR-35 solid pipe, 42 linear feet; subsurface drains—8" PVC SDR-35 perforated pipe with cleanouts, 168 linear feet; subsurface drains—removal and disposal of excavated material, 1 lump sum; subsurface drains—in-kind replacement, 1 lump sum; and subsurface drains—pavement replacement, 1 lump sum.

This bid issues on May 3, 2019, and bids will be opened on May 30, 2019, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-620. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 37(2854)101.1, Abandoned Mine Reclamation Project, Castlewood West, Shenango Township, Lawrence County. The principal items of work and approximate quantities include: grading (Area 1), 206,000 cubic yards; grading (Area 2), 152,000 cubic yards; channel excavation, 255 cubic yards; erosion matting, 275 square yards; rock lining, 110 square yards; seeding, 40 acres; and tree planting, 660 trees.

This bid issues on May 3, 2019, and bids will be opened on May 30, 2019, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-621. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 49(3233)101.1, Abandoned Mine Reclamation Project, Anthracite Outdoor Adventure Area—Bear Valley, Coal and Zerbe Townships, Northumberland County. The principal items of work and approximate quantities include: grading, 2,569,000 cubic yards; extreme off-road trail construction, 172,100 square feet; Jeep/ATV trail construction, 65,550 square feet; permanent improved access road, 11,000 square yards; parking lot, 5,000 square yards; revegetation, 84.2 acres; and trees, 13,025.

This bid issues on May 3, 2019, and bids will be opened on June 6, 2019, at 2 p.m. A mandatory prebid conference is scheduled for May 23, 2019, at 9:30 a.m. Representatives from the Department of Environmental Protection (Department) will meet the contractors at Anthracite Outdoor Adventure Area Trail Head, 4100 State Route 125, Coal Township, PA 17866. After the mandatory prebid meeting there will be a mandatory site visit. Potential contractors are to bring a full sized 4-wheel drive vehicle with sufficient ground clearance. Failure to attend the prebid conference will be cause for rejection of the bid. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-622. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Bid Opportunity

OSM 54(0435)103.1, Abandoned Mine Reclamation Project, Maurer Mine Bat Gate Repair, Hegins and Porter Townships, Schuylkill County. The principal items of work and approximate quantities include: removal of bat cupola and concrete pad; and bat gate placement.

This bid issues on April 19, 2019, and bids will be opened on May 16, 2019, at 2 p.m. Bid documents, including drawings in PDF format and AutoCAD Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at

(717) 787-7820 or RA-ConstructionContr@pa.gov for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 19-623. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Exempt Machinery and Equipment Steel Products

The following is an updated list of exempt machinery and equipment steel products authorized under section 4(b) of the Steel Products Procurement Act (73 P.S. § 1884(b)). There is a 30-day comment period beginning on the date of this publication during which the public may submit comments in writing, as to the domestic availability of a steel product on the list, to the Deputy Secretary for Public Works, Department of General Services, 18th and Herr Streets, Harrisburg, PA 17125, ra-steel@pa.gov. The comments must be supported with a mill certification indicating that the steel was melted in the United States or an executed Steel Origin Certification form (found on the Department of General Services web site at www.dgs.state.pa.us) indicating the disputed product is produced domestically. See 4 Pa. Code Chapter 67a (relating to steel products procurement—statement of policy). Any “(NEW)” after a listing indicates a steel product that was not produced in the United States in sufficient quantities to meet the requirements of the contract during 2018.

Exempt Machinery and Equipment Steel Products

Air Conditioning Units
Air Duct Housing with Sample Tubes
Air Handling Units
Anchor Bolt
Audio RA Station
Annunciator Panel
AV Rack Kit
Back Box
Backflow Preventer
Battery Cabinet
Blank Filler Plate for Fiber
Blank Metal Door
Blank Plate for Outer Door
Bottom Dead Front Panel
Bridge for Cameras
Butterfly Valves
Cabinet
Cardcage
Cast Steel Gate Valve
CCTV Power Supply
Ceiling Flange
Central Control Unit
Centrifugal Pumps
Channel Video
Circulating Pump
Closers
Color Monitor
Combination Round Head Steel Zinc-Plated Toggle Bolts
Conduit Fittings
Control Module Plate
Control Panel

Control Valve
Data Converter Unit
Deck Inserts
Deck and Rub Rail Fasteners
Digital Communicators
Digital Record
Door Protection
Door Trim/Handles
Drinking Fountain
Drip Pan ELL (NEW)
Drop-In Anchors
Dry Tape Transformer
Drywall Screws
Dual Interface Module
Duct Detector with Relay
Duct Housing
Ductless Split System
DVR Rack
Electric Traction Elevators
Electric Water Cooler
Elevator Controller
Elevator Hoistway
Encl. for Annunciator
Exit Devices
Exp Cage
Fence System Nuts and Bolts
Fire Alarm NAC Extender
Fire Alarm Peripherals
Fixed Door Station
Flexible Drops
Full Blank Plate
Galvanized Carriage Bolts
Garage Door Tracking
Gas Furnace
Gas Piping Butt Weld Tees
Generator
Globe Valve (Steam)
Hand Dryer
Hanger Mounting Plates
Hangermates
Hangers Supports
Horn/Strobe
Inclined Platform Wheelchair Lifts
Inner and Outer Door
Inner Door Blank Plate
Interface Module
Lag Bolts
Large Remote Cab
Lighting Fixtures, Interior/Recessed
Lighting Fixtures, Surface Wrap
Lighting Fixtures, Track Head
Lock Cylinders
Locknuts
Locksets
Low Temp. Detection Thermostats
Lubrication Unit
Machine Screws
Main Control Board
Metal Lockers
Manual Pull Station
Med. Enclosure
Middle Dead Front
Mini-Interface Module
Monitor Mount
Monitor Wall Brk
Mounting Plate
Network Fiber Switch
Overhead Door
Overhead Stops
Patient Wandering Alarm

Pipe Clamps
 Pivots
 Power Supply
 Pull Station Box
 RA Annunciator Pnl
 Rack Mount Card Cage
 Rack Mount Kit
 Radiant Panels
 Reader Interface
 Relay Module
 Remote Chiller
 Round Head Machine Screw
 Safety Relief Valve
 Sampling Tube
 Security Panel
 Security Unit
 Security/CCTV Camera Housing
 Self-Turn/Self Tapping Screw
 Shower/Eye Washers
 Signal Extender Module
 Single Blank
 Smoke Detector Wire
 Speaker
 Speaker/Strobe
 Split HVAC System
 Split Ring Hangers
 Split Rings
 Split System Air Conditioning
 SSD-C Remote Display with Control
 SSD-C-REM Rem Display

Stainless Flat Bars
 Stainless Steel Cable
 Strobe
 Submersible Pump
 Sump Pump
 Surface Mount Speaker
 Surface Station Box
 Surge Arrester
 Surge Protector
 T8 Light Troffer
 Tamper Proof Screws and Nuts
 Threaded Rod Hanger
 Tie Wire 21 Gauge
 Tie Wire Anchor
 Toggle Wing
 Transformer
 Turbine Pumps
 Uninterruptible Power Supply
 VRV Fan Coils/Cond. Units
 Wall Mounted Boiler (NEW)
 Wall Mounted Fountain
 Water Coolers
 Water Fountain Mounting Frame
 Water Heater
 Wing Toggle

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 19-624. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
WellSpan Surgery Center—Hanover	28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery)
	28 Pa. Code § 551.21(d)(2)
Gastrointestinal Endoscopy Center, LLC	28 Pa. Code § 551.3 (relating to definitions), specifically subparagraph (ii) of the definition of “classification levels,” regarding Class B facilities PS III patients
Spring Ridge Plastic Surgery	28 Pa. Code § 559.2 (relating to director of nursing)

The previously listed requests are 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 previously listed address. 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, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-625. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

<i>Facility Name</i>	<i>Regulation and relating to</i>
Easton Hospital	28 Pa. Code § 51.23 (relating to positron emission tomography)
Millcreek Community Hospital	28 Pa. Code § 107.61 (relating to written orders)
UPMC Hamot	28 Pa. Code § 107.62(b) (relating to oral orders)
Meadville Medical Center	28 Pa. Code § 147.2 (relating to maintenance of safety and sanitation)

The following hospitals have filed requests for exceptions under 28 Pa. Code § 153.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities—2014 Edition*, or *Guidelines for Design and Construction of Hospitals—2018 Edition*, *Guidelines for Design and Construction of Outpatient Facilities—2018 Edition*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception.

<i>Facility Name</i>	<i>FGI Guidelines Section and relating to</i>	<i>Yr¹</i>
Geisinger-Community Medical Center	2.2-2.2.2.7 (relating to patient bathing facilities)	18
Lehigh Valley Hospital (Muhlenberg)	2.13-3.1.2 (relating to handwashing stations)	18-O
	2.1-3.8.7.1 (relating to location)	18-O
Penn Highlands DuBois	2.1-3.2.1.2(2)(a)(i) (relating to area)	18-O
	2.1-3.2.1.2(2)(a)(ii) (relating to clearances)	18-O
	2.1-6.2.4.1 (relating to public toilet rooms)	18-O
Penn Highlands DuBois (190 Park Avenue)	2.1-3.10.2.1 (relating to patient toilet rooms)	18-O
	2.1-4.1.9.1 (relating to support areas for staff)	18-O
	2.1-4.1.9.2	18-O
Select Specialty Hospital—Central PA York Campus	2.2-3.4.7.3(6)(a) (relating to patient uptake/cool down rooms)	18
	2.2-3.4.7.3(6)(b)	18
St. Luke's Hospital—Miners Campus	2.1-3.2.2.1(1) (relating to area)	18
St. Vincent Hospital	2.2-2.2.2.7	18
UPMC Pinnacle Memorial	6.3.1.1 (relating to outdoor air intakes and exhaust discharges—general)	14
UPMC Susquehanna Muncy	2.1-2.8.11.3 (relating to clean supply rooms)	18
Wayne Memorial Hospital	2.5-2.2.2.6(3) (relating to patient toilet room contents)	18
	2.5-2.2.2.6(4)(b) (relating to patient toilet room doors)	18
	2.5-2.4.10.2 (relating to bathing facilities)	18
York Hospital	2.1-2.8.12.2(1)(b) (relating to soiled workroom contents)	18

¹ 2018 Year FGI Regulations for Outpatient Facilities are indicated by “-O.”

The previously listed requests are 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 previously listed address. 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 for speech and/or hearing impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-626. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF HEALTH

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Bloomsburg Care and Rehabilitation Center
211 East First Street
Bloomsburg, PA 17815
FAC ID # 130602

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address.

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 previously listed address or phone number, or for speech and/or hearing-impaired persons, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Secretary

[Pa.B. Doc. No. 19-627. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Federal Poverty Income Guidelines for 2019

The Department of Human Services (Department) announces the implementation in this Commonwealth of the 2019 Federal Poverty Income Guidelines (FPIG) which were issued by the Department of Health and Human Services and published at 84 FR 1167 (February 1, 2019).

The FPIGs are the basis for the income eligibility limits for several categories of Medicaid whose regulations are published in 55 Pa. Code (relating to human services) and administered by the Department. These categories include Healthy Horizons for the Elderly and Disabled (55 Pa. Code Chapter 140, Subchapter B (relating to eligibility provisions for the healthy horizons program for the elderly/disabled)), Modified Adjusted Gross Income (MAGI) based eligibility categories for pregnant women, children, parent/caretakers and adults and Medical Assistance for Workers with Disabilities (MAWD). The MAGI categories were established by the Department's implementation of the Patient Protection and Affordable Care Act (Pub.L. No. 111-148) at 43 Pa.B. 4035 (July 13, 2013). The MAWD category was established by the Department's implementation of the Ticket to Work and Work Incentives Improvement Act of 1999 (P.L. 106-170) at 32 Pa.B. 289 (January 12, 2002).

The percentages for the Medicaid categories of MAGI, Healthy Horizons and MAWD are set forth as follows:

MAGI—

- 33% for children up through 18 years of age and parents/caretakers.
 - 102% for individuals 19—64 years of age with a permanent disability (Medical Review Team (MRT) or Social Security Administration (SSA) determined) who are not eligible for Medicare or individuals 19-20 years of age with income at or below the Medically Needy Only limit who are not eligible for Medicare.
 - 133% for children 6—18 years of age and for adults 19—64 years of age.
 - 157% for children 1—5 years of age.
 - 185% for individuals 0—64 years of age who are eligible for 12 months of Transitional Medical Assistance; this is the second 6-month limit.
 - 215% for pregnant women and infants under 1 year of age; and the Family Planning Services program.
- * MAGI FPIGs represent the MAGI converted standards which will be valid until September 2019.

Healthy Horizons—

- 100% for persons eligible for categorically needy, Medicare Buy-In and Medicare cost-sharing benefits.
- 120% for persons eligible for the Specified Low-Income Medicare Beneficiaries.
- 135% for persons eligible for the Qualifying Individuals Beneficiaries benefits.

MAWD—

- 250% for individuals 16—64 years of age who are disabled (MRT or SSA determined) and employed.

There are different resource limits for each of the Healthy Horizons programs and MAWD.

Persons	33% of FPIG		100% of FPIG		102% of FPIG		120% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$344	\$4,122	\$1,041	\$12,490	\$1,062	\$12,740	\$1,249	\$14,988
2	\$466	\$5,581	\$1,410	\$16,910	\$1,438	\$17,249	\$1,691	\$20,292
3	\$587	\$7,039	\$1,778	\$21,330	\$1,814	\$21,757	\$2,133	\$25,596
4	\$709	\$8,498	\$2,146	\$25,750	\$2,189	\$26,265	\$2,575	\$30,900
5	\$830	\$9,957	\$2,515	\$30,170	\$2,565	\$30,774	\$3,017	\$36,204
6	\$952	\$11,415	\$2,883	\$34,590	\$2,941	\$35,282	\$3,459	\$41,508
7	\$1,073	\$12,874	\$3,251	\$39,010	\$3,316	\$39,791	\$3,901	\$46,812
8	\$1,195	\$14,332	\$3,620	\$43,430	\$3,692	\$44,299	\$4,343	\$52,116
Each Additional Person	\$122	\$1,459	\$369	\$4,420	\$376	\$4,509	\$442	\$5,304

Persons	133% of FPIG		135% of FPIG		157% of FPIG		185% of FPIG	
	Month	Annual	Month	Annual	Month	Annual	Month	Annual
1	\$1,385	\$16,612	\$1,406	\$16,862	\$1,635	\$19,610	\$1,926	\$23,107
2	\$1,875	\$22,491	\$1,903	\$22,829	\$2,213	\$26,549	\$2,607	\$31,284
3	\$2,365	\$28,369	\$2,400	\$28,796	\$2,791	\$33,489	\$3,289	\$39,461
4	\$2,854	\$34,248	\$2,897	\$34,763	\$3,369	\$40,428	\$3,970	\$47,638
5	\$3,344	\$40,127	\$3,395	\$40,730	\$3,948	\$47,367	\$4,652	\$55,815
6	\$3,834	\$46,005	\$3,892	\$46,697	\$4,526	\$54,307	\$5,333	\$63,992
7	\$4,324	\$51,884	\$4,389	\$52,664	\$5,104	\$61,246	\$6,015	\$72,169
8	\$4,814	\$57,762	\$4,886	\$58,631	\$5,683	\$68,186	\$6,696	\$80,346
Each Additional Person	\$490	\$5,879	\$498	\$5,967	\$579	\$6,940	\$682	\$8,177

Persons	215% of FPIG		250% of FPIG	
	Month	Annual	Month	Annual
1	\$2,238	\$26,854	\$2,603	\$31,225
2	\$3,030	\$36,357	\$3,523	\$42,275
3	\$3,822	\$45,860	\$4,444	\$53,325
4	\$4,614	\$55,363	\$5,365	\$64,375
5	\$5,406	\$64,866	\$6,286	\$75,425
6	\$6,198	\$74,369	\$7,207	\$86,475
7	\$6,990	\$83,782	\$8,128	\$97,525
8	\$7,782	\$93,375	\$9,048	\$108,575
Each Additional Person	\$792	\$9,503	\$921	\$11,050

Additional information on the programs is available at county assistance offices.

This notice shall take effect upon publication in the *Pennsylvania Bulletin* and apply retroactively to January 11, 2019.

Public Comments

Interested persons are invited to submit written comments regarding the implementation of FPIGs to the Department of Human Services, Office of Income Maintenance, Cathy Buhrig, Director, Bureau of Policy, Room 427, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 calendar days will be reviewed and 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).

TERESA D. MILLER,
Secretary

Fiscal Note: 14-NOT-1322. No fiscal impact; (8) recommends adoption

[Pa.B. Doc. No. 19-628. Filed for public inspection April 26, 2019, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

State Transportation Commission Meeting

The State Transportation Commission (Commission) will hold a meeting on Monday, April 29, 2019, from 10 a.m. to 11 a.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Commission, (717) 787-2913, RA-PennDOTSTC@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 19-629. Filed for public inspection April 26, 2019, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meeting Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting: Thursday, May 2, 2019—Council meeting at 10 a.m.

The meeting will be held at 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend, should contact Renee Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 19-630. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; James E. Hocker; Doc. No. SC19-04-002

Notice is hereby given of the Order to Show Cause issued on April 11, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(5)—(7), (16), (19) and (20) and 647-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(5)—(7), (16), (19) and (20) and 310.47) and sections 5(a)(1)(i) and 12 of the Unfair Insurance Practices Act (40 P.S. §§ 1171.5(a)(1)(i) and (12)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If

respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-631. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Randall M. Levesque; Doc. No. SC19-04-011

Notice is hereby given of the Order to Show Cause issued on April 12, 2019, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(7), (8), (14), (19) and (20), 642-A and 678-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(7), (8), (14), (19) and (20), 310.42 and 310.78(a)).

The respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—588 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to

participate in the hearing, contact Joseph Korman, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-632. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Certified Reinsurer

DaVinci Reinsurance, Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on April 5, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-633. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Designation as a Certified Reinsurer

Renaissance Reinsurance, Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on April 5, 2019, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-634. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Rosewood Gardens SNF, LLC

Rosewood Gardens SNF, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Rosewood Gardens Rehabilitation and Nursing Center in Broomall, PA. The initial filing was received on April 17, 2019, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient details to inform the Department of the exact basis of the statement. Written statements should be directed to Karen M. Feather, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, kfeather@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-635. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Jason Anthony Moey; License Denial Appeal; Doc. No. AG19-04-009

Under Article VI-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Jason Anthony Moey has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for May 16, 2019, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before May 14, 2019. A hearing shall occur on May 30, 2019, at 9:30 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Protests, petitions to intervene or notices of intervention, if any, must be filed on or before May 1, 2019, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to protests, petitions to intervene or notices of intervention, if any shall be filed on or before May 14, 2019.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to

participate in the hearing, should contact Joseph Korman, (717) 787-4429, jkorman@pa.gov.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-636. Filed for public inspection April 26, 2019, 9:00 a.m.]

INSURANCE DEPARTMENT

Unum Life Insurance Company of America; Rate Increase Filing for Several Group LTC Forms (UNUM-131887961)

Unum Life Insurance Company of America is requesting approval to increase the premium an aggregate 29.1% on 4,499 policyholders with the following group LTC policy form numbers: GLTC04 and RGGLTC04. The increase will average 29.1% but will vary from 0% for certificate holders without inflation protection, to 44% for certificates with 5% uncapped simple, to 89% for those with 5% compound uncapped inflation protection.

Unless formal administrative action is taken prior to July 12, 2019, 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 (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JESSICA K. ALTMAN,
Insurance Commissioner

[Pa.B. Doc. No. 19-637. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resources—Technical Reference Manual 2021 Update; Doc. No. M-2019-3006867

Tentative Order

The Pennsylvania Public Utility Commission (Commission) seeks comments on the proposed 2021 update to the Technical Reference Manual. In a Tentative Order adopted at its April 11, 2019, public meeting, the Commission released, for comment, the proposed 2021 version of the Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual (TRM). A copy of the Tentative Order and

the proposed 2021 version of the TRM and its appendices can be found on the Commission's web site as follows:

Tentative Order: <http://www.puc.pa.gov/pcdocs/1614698.docx>

TRM Volume 1: <http://www.puc.pa.gov/pcdocs/1614949.docx>

TRM Volume 2: <http://www.puc.pa.gov/pcdocs/1614950.docx>

TRM Volume 3: <http://www.puc.pa.gov/pcdocs/1614951.docx>

Appendix A: <http://www.puc.pa.gov/pcdocs/1614952.xlsx>

Appendix C: <http://www.puc.pa.gov/pcdocs/1614953.xlsx>

Appendix D: <http://www.puc.pa.gov/pcdocs/1614954.xlsx>

In implementing the Alternative Energy Portfolio Standards Act (73 P.S. §§ 1648.1—1648.8), the Commission had originally adopted the TRM in an Order entered on October 3, 2005, at Doc. No. M-00051865. Subsequently, in the Energy Efficiency and Conservation (EE&C) Program Implementation Order, entered on January 16, 2009, at Doc. No. M-2008-2069887, the Commission adopted the TRM as a component of the EE&C Program evaluation process.

In the Tentative Order adopted April 11, 2019, the Commission seeks comments on the proposed changes to the TRM. Written comments from interested parties must be filed with the Secretary of the Commission, referencing Doc. No. M-2019-3006867, within 30 days of the publication of this notice. Reply comments must be filed within 50 days of the publication of this notice.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-638. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Tri-Co Connections, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania

Public Meeting held
April 11, 2019

Commissioners Present: Gladys M. Brown, Chairperson, statement follows; David W. Sweet, Vice Chairperson; Norman J. Kennard; Andrew G. Place; John F. Coleman, Jr.

Petition of Tri-Co Connections, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania; P-2018-3005127

Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for disposition is the Tri-Co Connections, LLC (Tri-Co or the Company) petition seeking approval to be designated a facilities-based Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (Petition). Designation as an ETC would make Tri-Co eligible to receive high-cost support from the Federal Universal Service Fund (USF) in any area for which it seeks such support. Specifically, Tri-Co, as one of the winning bidders in the Federal Communications Commission's (FCC) Connect America

Fund (CAF) Phase II Auction 903 (Auction 903), is required to certify that it is an ETC in those eligible census block groups (CBGs) for which it had a winning bid to provide voice and broadband service to identified locations. Accordingly, in its Petition, Tri-Co is seeking high-cost designation as an ETC only in specific exchanges throughout the Commonwealth for which it was awarded funding in the CAF II Auction 903.¹

Concomitantly, as a condition of receiving an ETC designation to receive high-cost support, Tri-Co must also participate in the federal Lifeline program and is required to offer Lifeline service to low-income eligible customers or households in specific areas in accordance with applicable federal and Pennsylvania law.

Tri-Co filed supplements to its original Petition that set forth other additional pertinent information.² Notice of Tri-Co's Petition was published in the *Pennsylvania Bulletin* on October 20, 2018.³ No comments in response to Tri-Co's Petition were filed.

We have reviewed Tri-Co's Petition, as supplemented, to determine whether it meets the statutory criteria and applicable minimum standards necessary under state and federal law to obtain an ETC designation. Designation as an ETC will permit Tri-Co to receive the high-cost support funds it was awarded in Auction 903 by the FCC, if certain other federal requirements are satisfied. We hereby conclude that it is in the public interest that Tri-Co be designated an ETC for purposes of deploying and maintaining voice and broadband service in the rural high-cost eligible census blocks where it will receive Auction 903 funding support.

Additionally, as a federal high-cost ETC, Tri-Co is also required to participate in the federal Lifeline program and must offer Lifeline services to eligible low-income customers or households. Specifically, Tri-Co will be required to offer Lifeline services to eligible low-income customers or households, subject to the conditions stated by this Order and applicable reporting requirements and annual recertification requirements as they currently exist or may come to exist under federal and/or state law. Accordingly, Tri-Co's Petition is hereby approved under the applicable federal statutory criteria and other relevant federal and Pennsylvania law.

Background

A. FCC and State ETC Orders

In its 1997 Universal Service Order, the FCC established minimum requirements necessary for a telecommunications carrier to be designated an ETC, and thus, eligible to receive federal universal service high-cost support from the federal USF.⁴ In 2005, pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (Act), 47 U.S.C. § 214(e)(6), and consistent with the recommendations of the Federal-State Joint Board on Universal Service (Joint Board), the FCC addressed these

minimum requirements and adopted additional mandatory requirements for ETC designation proceedings.⁵ Additionally, as recommended by the Joint Board, the FCC encouraged states that exercise jurisdiction over ETC designations pursuant to Section 214(e)(2) of the Act, to adopt these same requirements when deciding whether they should designate a common carrier as an ETC.⁶ Accordingly, in order to provide consistent standards and to obtain the complete and necessary information necessary when reviewing future petitions for ETC designation and annual ETC recertifications, the Commission adopted the FCC's statutorily prescribed requirements for ETC designations and set forth additional Pennsylvania-specific standards as guidelines for all ETC applicants over which it exercises jurisdiction.⁷ The Commission codified these guidelines at 52 Pa. Code § 69.2501 (ETC Guidelines).

In its 2011 USF/ICC Transformation Order, the FCC comprehensively reformed the federal USF mechanism to accelerate broadband build-out to the 18 million Americans living across the nation in rural areas who were receiving voice service but lacked access to robust broadband infrastructure and service.⁸ Specifically, the FCC concluded that it should adopt high-cost support for broadband-capable networks as an express universal service principle under Section 254(b) of the Act, 47 U.S.C. § 254(b).⁹ Additionally, for the first time, the FCC set specific performance goals for the high-cost component of the federal USF to ensure the reforms are achieving their intended purposes.¹⁰ Accordingly, the FCC revamped the purpose of the Universal Service High-Cost program of the federal USF to expand access to both voice and broadband services by supporting networks capable of providing those services and requiring certain support recipients to provide those services in geographic areas that were clearly unserved or underserved by unsubsidized service providers of broadband service.¹¹

Concomitant with this repurposing of the six pre-existing programs in the federal USF High-Cost Fund that supported voice service, there was also a renaming and repurposing of the High-Cost program and support to the Connect America Fund or CAF.¹² The CAF was rolled-out in different phases.¹³ Up through the CAF Phase II Auction 903, the FCC through the CAF provided funding to federal price cap incumbent local exchange carriers (ILECs) to support the cost of building new network infrastructure or performing network upgrades to continue to provide voice and, in addition, retail broadband access services in areas where it was lacking.

In 2018, as a part of CAF Phase II, Part II, the FCC conducted Auction 903 to allocate Phase II support to a certain number of locations in eligible CBGs across the United States, including areas in Pennsylvania where the federal price cap ILEC had declined to receive the model-based high-cost support it had been previously

¹ The FCC made eligible for Auction 903 certain high-cost census blocks in states where the price cap carriers had declined an earlier offer of model-based support in CAF Phase I, Part 2 and in other unserved areas nationwide (excluding New York, Alaska, Puerto Rico, Virgin Islands) that were not served by an unsubsidized service provider. It was through this competitive bidding process that Tri-Co was a winning bidder in certain high-cost census blocks located in Verizon Pennsylvania, LLC and Verizon North, LLC, service territories and in other extremely high-cost census blocks in unserved areas of rural incumbent local exchange carriers' service territories that were not served by an unsubsidized service provider. It is in these federally-funded census blocks that Tri-Co is seeking federal high-cost ETC designation and will be offering voice and broadband services under federal law consistent with the FCC's public interest obligations.

² Tri-Co filed supplements on December 14, 2018, January 22, 2019 and February 4, 2019 in response to staff inquiries.

³ 48 Pa.B. 6760.

⁴ See Federal-State Joint Board on Universal Service, First Report and Order, 12 FCC Red 8776, 8847-76, paras. 130—180 (1997) (Universal Service Order).

⁵ See Federal-State Joint Board on Universal Service, Report and Order, 20 FCC Red 6371, 6372, 6380, paras. 2, 20 (2005) (2005 ETC Designation Order).

⁶ See 2005 ETC Designation Order, 20 FCC Red at 6372, 6380, paras 1, 20.

⁷ Final Policy Statement on Commonwealth of Pennsylvania Guidelines for Designation and Annual Recertification as an Eligible Telecommunications Carrier (ETC) for Purposes of Federal Universal Service Support, Docket No. M-2010-2164741 (Order entered August 2, 2010) (ETC Guidelines Order).

⁸ In the Matter of Connect America Fund, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Red 17663 (2011), aff'd sub nom In re FCC 11-161, 753 F.3d 1015 (10th Cir. 2014) (USF/ICC Transformation Order). The FCC, inter alia, adopted rules that modernized and refocused the federal USF to make affordable broadband access available to all Americans and an inherent part of the universal service concept.

⁹ See USF/ICC Transformation Order, 26 FCC Red at 17672, para. 17.

¹⁰ Id.

¹¹ Id. at 17673, paras. 19—25.

¹² Id. at 17673, para. 20.

¹³ Id. at 17673, paras 22-23.

offered by the FCC.¹⁴ Auction 903 ran from July 24, 2018 to August 21, 2018 and awarded up to \$198 million annually for 10 years to all service providers that had committed to provide voice and fixed broadband services to specific locations in unserved high-cost areas, including areas in Pennsylvania.¹⁵ As a result of Auction 903, some homes and businesses would have voice as well as broadband Internet access service (BIAS) available with download speeds of at least 100 megabits per second (Mbps).¹⁶ Others would have voice and gigabit service available.¹⁷ And lastly, the remaining locations would have voice as well as at least 25 Mbps download service available, which is more than twice the 10 Mbps minimum standard initially established for support in the pre-Auction 903 Phase II CAF program.¹⁸

Concomitantly, in order to continue the mission of assisting qualifying low-income Americans to get and stay connected in today's technological climate, while at the same time relieving some of the burden on the entities providing this service, the FCC also had begun restructuring the federal USF Lifeline program.¹⁹ In its 2012 Lifeline Reform Order, the FCC eliminated the previous system of tiered support and set an interim funding rate of \$9.25 per month and per eligible subscriber or household effective May 1, 2012.²⁰ The FCC has issued three later Lifeline reform orders establishing a number of additional enhancements to the federal Lifeline Program, further connecting low-income Americans to voice services and, now, broadband.²¹

B. Tri-Co's Petition and Supplements

On August 28, 2018, the FCC announced that Tri-Co had been awarded federal high-cost support funding in certain designated census blocks in Pennsylvania via the

FCC's Auction 903.²² On September 27, 2018, Tri-Co filed its Petition requesting designation as a facilities-based federal high-cost ETC in the Commonwealth of Pennsylvania in certain local exchanges located within the service territories of seven ILECs.²³ The Commission subsequently engaged in detailed analysis of the Petition and supplemental information that was provided to ensure consistency with state and federal law.

Tri-Co has been certificated by the Commission to provide competitive local exchange services to customers in the following ILEC service territories: Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company (Frontier Commonwealth); Frontier Communications of Canton, LLC (Frontier Canton); Frontier Communications of Oswayo River, LLC (Frontier Oswayo); North Penn Telephone Company (North Penn); Windstream Pennsylvania, LLC (Windstream PA); Verizon North LLC (Verizon North); and Verizon Pennsylvania LLC (Verizon PA).²⁴

However, at this time, by virtue of its Commission-approved CLEC tariff, Tri-Co is authorized to provide local exchange services and BIAS to customers only in certain local exchanges of these ILECs. Tri-Co has stated that its local exchange service areas in the ILECs' service territories will mirror their local exchange area boundaries as stated in their telephone tariffs.²⁵ Accordingly, Tri-Co will be providing local exchange services and, as an ETC, BIAS to customers in all or parts of the following local exchanges:

²² Along with the federal funding awarded to Tri-Co in the recent CAF II Auction 903 conducted by the FCC, Tri-Co has also been awarded state funding to assist in constructing a fiber optic network to serve residential, business, and institutional customers within a specific geographic area. This state funding includes Pennsylvania Redevelopment Capital Assistance Funds. See Petition at 3. This dedicated federal and Commonwealth funding entails certain conditions and obligations relevant to the deployment of Tri-Co's planned network and provision of broadband access services that are under the purview of the FCC and Pennsylvania Governor's Office of Broadband Initiatives. See Petition at 3, Exhibit 4 at 7, ¶ 16.

²³ At the same time, Tri-Co had filed an Application seeking Certificates of Public Convenience under our orders issued pursuant to the implementation of the federal Telecommunications Act of 1996, 47 U.S.C. §§ 201 et seq. (TA-96) and Chapter 11 of the Public Utility Code (Code) (66 Pa.C.S. §§ 1101 et seq.) to operate as a competitive local exchange carrier (CLEC) and an interexchange carrier (IXC). In December 2018, the Commission approved Tri-Co's application to operate as a CLEC and an IXC. See Application of Tri-Co Connections, LLC for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania as a Competitive Local Exchange Carrier in the Service Territories of: Verizon Pennsylvania LLC; Verizon North LLC; Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Canton, LLC; Frontier Communications of Oswayo River, LLC; North Penn Telephone Company; and Windstream Pennsylvania, LLC and Application of Tri-Co Connections, LLC for Approval to Offer, Render, Furnish or Supply Telecommunications Services to the Public in the Commonwealth of Pennsylvania as a Detariffed Facilities-Based Interexchange Carrier, Docket Nos. A-2018-3005309 and A-2018-3005312 (Order entered December 6, 2018) (Tri-Co CLEC and IXC Order).

²⁴ See Tri-Co CLEC and IXC Order at 9.

²⁵ Frontier Commonwealth, Tariff Telephone—PA P.U.C. Nos. 23 and 24; Frontier Canton, Tariff Telephone—PA P.U.C. No. 3; Frontier Oswayo, Tariff Telephone—PA P.U.C. No. 5; North Penn, Tariff Telephone—PA P.U.C. No. 2; Verizon North, Tariff Telephone—PA P.U.C. Nos. 1, 3, 5, 6; Verizon PA, Tariff Telephone—PA P.U.C. No. 180A; and Windstream PA, Tariff Telephone—PA P.U.C. No. 7. See Petition, Exhibit 4, Appendix 4 at 1.

¹⁴ See Public Notice, Connect America Fund Phase II Auction Closes Winning Bidders Announced FCC Form 683 Due October 15, 2018, AU Docket No. 17-182 and WC Docket No. 10-90 (rel. August 28, 2018) (CAF Auction Results Notice).

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Lifeline and Link Up Reform and Modernization, et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) (2012 Lifeline Reform Order or Lifeline FNPRM).

²⁰ At the current time, federal rules limit the \$9.25 Lifeline support to either voice or broadband service. The Lifeline subscriber's \$9.25 support is applicable to whatever service a Lifeline consumer may choose to purchase but subscribers cannot receive the \$9.25 support separately for each service. However, Lifeline also supports broadband-voice bundles so consumers choosing a bundled package containing voice and broadband service can apply the \$9.25 support to that bundle.

²¹ Lifeline and Link Up Reform and Modernization et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818 (2015) (2015 Lifeline FNPRM); Lifeline and Link Up Reform and Modernization et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4038, para. 211 (2016) (2016 Lifeline Order); Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 Rcd 10475 (2017), vacated and remanded, *National Lifeline Association et al. v. FCC*, Docket Nos. 18-1026, Order issued February 1, 2019 (D.C. Cir. 2019) (2017 Lifeline NPRM and NOD) (collectively Lifeline Reform Orders).

Tri-Co Local Exchanges in the ILEC Service Territories

<i>Frontier Commonwealth</i>	<i>Frontier Canton</i>	<i>Frontier Oswayo</i>	<i>North Penn</i>	<i>Verizon North</i>	<i>Verizon Pennsylvania</i>	<i>Windstream PA</i>
Blossburg	Canton	Millport	Bentley Creek	Elkland	Austin	Driftwood
Covington	Leroy	Shinglehouse	Roseville	Harrison Valley	Coudersport	Emporium
Liberty		Genesee	Millerton	Knoxville	Galeton	Hughesville
Mansfield				Sabinsville	Port Allegany	
Middlebury Center				Trout Run	Renovo	
Morris				Westfield	Roulette	
Rome					Ulysses	
Tioga						
Troy						
Ulster						
Wellsboro						

In its Petition, Tri-Co states that these local exchanges encompass the electric service area of its affiliate Tri-County Rural Electric Cooperative (TCREC).²⁶ Tri-Co will use facilities that are company-owned to provide, among other things, residential and business voice services.²⁷ Tri-Co's facilities are fiber-based and include Optical Network Terminals (ONTs) at the customers' premises.²⁸ Tri-Co anticipates that messages will originate and terminate at the ONT in Time Division Multiplexing (TDM) or similar, non-Internet Protocol, formats.²⁹ As part of its voice service offerings, Tri-Co proposes to offer stand-alone basic local telephone service, which is a protected service in Tri-Co's proposed service territory.³⁰

Tri-Co's Lifeline offering, if approved for ETC purposes, would be eligible for the federal \$9.25 rate of support. Eligible Lifeline customers will have access to a variety of standard features, including voicemail, caller I.D., and call waiting services at the applicable tariff rates and charges. Furthermore, Tri-Co will offer number porting at no charge to its Lifeline customers.³¹ Tri-Co will also ensure uninterrupted access to 911/Enhanced 911 (E911) emergency services for its Lifeline customers. Tri-Co will bill its customers on a monthly basis and provide invoices through both paper and electronic formats. Tri-Co's Lifeline customers will be advised of the billing method prior to establishing Lifeline service with Tri-Co. Tri-Co will charge all of its customers, including Lifeline-eligible customers, an activation fee unless that fee, or others, are otherwise prohibited or limited by state or federal law.

Tri-Co asserts that its policy for de-enrolling an account from Lifeline support for non-use is consistent with the FCC rules. If Tri-Co certifies that it receives notification from the Universal Service Administrative Company (USAC), the administrator of universal service, that a subscriber is receiving Lifeline service from another ETC or if another member of the household is receiving Lifeline service, Tri-Co will de-enroll that subscriber in accordance with Section 54.405(e)(2) of the FCC's rules. Additionally, if Tri-Co has a reasonable basis to believe

that a Lifeline subscriber is no longer eligible to receive Lifeline service, it will notify that subscriber of impending termination of service utilizing a combination of communication methods including calling the subscriber. The subscriber will then have 30 days to demonstrate appropriate eligibility for Lifeline service via the National Lifeline Accountability Database (NLAD) that it is eligible for Lifeline.³²

Additionally, Tri-Co also certifies that it will de-enroll Lifeline customers for non-usage and failure to recertify in accordance with Sections 54.405(e)(3) and (4), respectively, of the FCC's rules. Furthermore, Tri-Co certifies that it will de-enroll subscribers who have not used their Lifeline service for a period of 30 days. Pursuant to procedures outlined in the FCC's rules, following 30 days of non-usage by a Lifeline subscriber, Tri-Co will send a notice to that subscriber stating that failure to use the service within the next 15 days will result in de-enrollment from Lifeline service.³³ However, where a carrier bills on a monthly basis and collects or makes a good faith effort to collect any money owed within a reasonable amount of time, the Lifeline service provider will not be subject to the non-usage requirements.

Discussion

Section 254(e) of the Act provides that "only an eligible telecommunications carrier designated under Section 214(e) shall be eligible to receive specific Federal universal service support."³⁴ Section 214(e)(2) of the Act provides state commissions with the primary responsibility for performing ETC designations.³⁵ Thus, pursuant to Section 214(e)(2), each certificated telecommunications carrier seeking federal universal service high-cost support must file a petition with the state commission in order to be designated an ETC. In those instances where a state

³² NLAD is a national database that allows service providers to check on a real-time, nationwide basis whether a consumer is already receiving a Lifeline Program-supported service. Thus, the NLAD is used to prevent duplicative Lifeline enrollments. In 2016, the FCC established the Lifeline National Eligibility Verifier (National Verifier) to make eligibility determinations to enroll eligible subscribers into the Lifeline Program. There are a variety of criteria by which an applicant can demonstrate Lifeline eligibility, including income eligibility or participation in various federal assistance programs. USAC, the federal USF administrator, manages both the National Verifier and NLAD. Tri-Co's eligibility, verification, and enrollment processes did not specifically address the use of the National Verifier because it had not yet launched in Pennsylvania. However, as stated *infra*, Tri-Co's ongoing Lifeline requirement remains subject to future developments for Lifeline service in general under state and federal law.

³³ See Tri-Co's February 4, 2019 supplement at 1.

³⁴ 47 U.S.C. § 254(e).

³⁵ 47 U.S.C. § 214(e)(2).

²⁶ See Petition at 4.

²⁷ See Petition, Exhibit 4, at 5, ¶ 10.

²⁸ *Id.*

²⁹ *Id.*

³⁰ We note that standalone basic local exchange telephone service has not been reclassified as competitive under Section 3016 of the Code, 66 Pa.C.S. § 3016, in any of the ILEC service area exchanges or wire centers where the Company proposes to provide CLEC services.

³¹ ETCs may not charge Lifeline customers a monthly number portability charge. See 47 CFR 54.401(e).

cannot or will not make the requisite ETC designation, the FCC makes the ETC designation.³⁶

A federal high-cost ETC applicant must meet federal statutorily-prescribed requirements before we can approve its request for ETC designation. The FCC's rules governing ETC designations have evolved over time from the minimum requirements set forth in the Universal Service Order and the additional mandatory requirements for ETC designations adopted in the 2005 ETC Designation Order. Additionally, the Commission has adopted these federal requirements as a starting point for review of a request for ETC designation. We also have Pennsylvania-specific guidelines discussed below that a federal high-cost ETC petitioner must satisfy before we can approve its request for ETC designation in Pennsylvania. ETC Guidelines Order at 4.³⁷ As set forth below, Tri-Co satisfies all federal requirements, including the FCC's Universal Service Order, the 2005 ETC Designation Order, the USF/ICC Transformation Order, the Lifeline Reform Orders, and FCC regulations codifying the requirements of these Orders. Tri-Co also satisfies related Pennsylvania-specific requirements or guidelines.

I. Federal Requirements For Designation As A High-Cost ETC

Pursuant to 47 U.S.C. § 214(e)(1), an ETC petition must contain the following: (1) a certification that the petitioner offers or intends to offer all services designated for support by the FCC pursuant to Section 254(c); (2) a certification that the petitioner offers or intends to offer the services supported by the federal universal service mechanisms throughout the designated service area "either using its own facilities or a combination of its own facilities and resale of another carrier's services" (including the services offered by another ETC); (3) a description of how the petitioner "advertise[s] the availability of [supported] services and the charges therefore using media of general distribution"; and (4) a detailed description of the geographic service area for which it requests an ETC designation from the Commission.³⁸

As the FCC set forth in its 2005 ETC Designation Order,³⁹ a telecommunications carrier must also satisfy these additional mandatory requirements for it to be designated an ETC and thus eligible to receive federal universal service support: (1) a commitment and ability to provide services, including providing service to all customers within its proposed service area; (2) how it will remain functional in emergency situations; (3) that it will satisfy consumer protection and service quality standards; (4) that it offers local usage comparable to that offered by the ILEC; and (5) an understanding that it may be required to provide equal access if all other ETCs in the designated service area relinquish their designations pursuant to 47 U.S.C. § 214(e)(4).⁴⁰ These requirements were codified in the FCC's rules and regulations.⁴¹ The FCC subsequently added an additional requirement concerning the Anti-Drug Abuse Act of 1988.⁴²

³⁶ 47 U.S.C. § 214(e)(6).

³⁷ The Commission's ETC designation and related requirements imposed under state and federal law reflect the current requirements recognizing that state and federal law, and the related requirements, may change in response to subsequent developments.

³⁸ See Universal Service Order, 12 FCC Red 8776, 8847-76, paras. 130-180.

³⁹ See ETC Designation Order, 20 FCC Red at 6380, para. 20 (citing Federal-State Joint Board on Universal Service, Recommended Decision, 19 FCC Red 4259, para. 5 (Fed-State Jt. Bd. 2004)).

⁴⁰ In the USF/ICC Transformation Order, the FCC determined that the above ETC equal access requirement was obsolete and deleted it from 47 CFR § 54.202. The FCC stated because this rule was obsolete, it found good cause to delete it without notice and comment. USF/ICC Transformation Order, FCC Red 17872, para. 647 and Appendix A.

⁴¹ See 47 CFR § 54.202.

⁴² 21 U.S.C. § 862; 47 CFR § 1.2002(a)-(b).

In addition to meeting these statutory requirements, state commissions must also perform a "public interest" review before approving an ETC designation. Section 214(e)(2) of the Act states that, "[u]pon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier" for a designated service area, so long as the requesting carrier meets the requirements of Section 214(e)(1). Section 214(e)(2) further states: "[b]efore designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest." Accordingly, this Commission reserves the right to review any designation and recertification on a case-by-case basis and grant or deny designation and recertification after considering the circumstances particular to each application.

Thus, our review of Tri-Co's petition will be done consistent with the federal requirements that must be met in order for an applicant to receive designation as an ETC, as codified, which we have adopted and implemented in the Commonwealth as the minimum standards applicable to ETC designation.⁴³

A. The FCC's Rules Governing ETC Designations

1. 47 CFR § 54.101(a) and (b)

The FCC defines supported service as qualifying voice service and the offering of qualifying broadband services.⁴⁴ Accordingly, all ETCs must therefore offer voice telephony as a standalone service throughout their designated service area and must offer voice telephony services at rates that are reasonably comparable to urban rates.⁴⁵

All ETCs must offer qualifying voice service using their own facilities, at least in part.⁴⁶ The Commission has interpreted the term "facilities," for purposes of Section 214(e) of the Act, to mean "any physical components of the telecommunications network that are used in the transmission or routing of the services designated for support under section 254(c)(1)."⁴⁷ As explained by the FCC, "a carrier need not offer universal service wholly over its own facilities in order to be designated an eligible carrier because the statute allows an eligible carrier to offer the supported services through a combination of its own facilities and resale."⁴⁸ Facilities are the ETC's "own"

⁴³ We note that this Order also includes a review of Tri-Co's Petition to ensure consistency with independent Pennsylvania law.

⁴⁴ 47 CFR § 54.101 (including both eligible voice telephony and eligible broadband Internet access as services "supported by federal universal service support mechanisms," and characterizing the provision of eligible broadband service as a high-cost public interest obligation); see also USF/ICC Transformation Order, 26 FCC Red at 17691-94, paras. 74-89 (describing the "core functionalities of the supported services as 'voice telephony service,'" and as a separate condition of receiving federal high-cost universal service support, all ETCs are required to offer BIAS in their supported area that meets certain basic performance requirements).

⁴⁵ See USF/ICC Transformation Order, 26 FCC Red at 17693, paras. 80-81; see also CFR § 54.101(b). The FCC has adopted a similar reasonable comparability rate certification requirement for broadband performance obligations. See Connect America Fund et al., Report and Order, 29 FCC Red 15644, 15686-87, para. 120 (2014) (December 2014 CAF Order).

⁴⁶ 47 U.S.C. § 214(e)(1); 47 CFR § 54.101. The FCC has exercised forbearance from the provision requiring that providers must provide supported service using at least a portion of their own facilities for certain wireless Lifeline-only providers. See Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Limited Eligible Telecommunications Carrier Designation in New York, Pennsylvania, Virginia, North Carolina, and Tennessee, Order, 24 FCC Red 3381 (2009) (Virgin Mobile Order).

⁴⁷ Universal Service Order, 12 FCC Red at 8847, para. 128.

⁴⁸ Id. at 8870, para. 169.

if the ETC has exclusive right to use the facilities to provide the supported services⁴⁹ or when service is provided by any affiliate within the holding company structure.⁵⁰

An ETC satisfies its obligation to “offer” qualifying services by being legally responsible for dealing with customer problems, providing quality of service guarantees, and meeting federal USF-related requirements.⁵¹ Accordingly, a broadband provider may satisfy its voice obligation by offering voice service through an affiliate or by offering a managed voice solution (including Voice-over-Internet Protocol or VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.⁵²

Tri-Co attests that it will be providing all of the services and functionalities supported by the federal universal service program as set forth in Section 54.101(a) of the FCC’s regulations throughout its designated service territory in the Commonwealth of Pennsylvania using at least a portion of its own facilities.⁵³

a. Voice Grade Access to the Public Switched Telephone Network

Tri-Co will be a common carrier by virtue of its provision of voice service to customers. Tri-Co states that it will use ONTs that will allow for the transmission of voice signals using TDM or IP-enabled formats. Tri-Co anticipates that it will use TDM or similar, non-IP format for voice.⁵⁴ Because fiber to the premises (FTTP) technologies transmit voice and data over the same physical network, voice traffic is provisioned separately from the Internet traffic, which allows for the network operator to prioritize voice traffic over other types of traffic. Since light is not susceptible to electromagnetic interference like copper-based (e.g., DSL, cable modems, etc.) or wireless technologies, the FTTP deployments offer high signal-to-noise ratios and the lower possible error rates of any access technology. Additionally, Tri-Co will provide services for originating and terminating interstate calls to the public switched telephone network (PSTN), which is both an interstate and intrastate network.⁵⁵ Therefore, Tri-Co is a common carrier under 47 U.S.C. § 214(e)(1) for purposes of ETC designation.⁵⁶

b. Minutes of Use for Local Service

As part of the voice grade access to the PSTN, an ETC must provide local calling services to its customers at no additional charge. Although the FCC did not set a minimum local usage requirement, in the Universal Service Order, it determined that ETCs should provide some minimum amount of local usage as part of their “basic

service” package of supported services.⁵⁷ However, the FCC has determined that a carrier satisfies the local usage requirements by including a variety of local usage plans as part of a universal service offering. Tri-Co has stated that it will offer a variety of local usage plans.⁵⁸ Additionally, Tri-Co’s proposed Lifeline offering, as described, also complies with the local usage requirements established by the FCC. This meets the local calling requirement of 47 CFR § 54.101. In addition to voice services, Tri-Co will provide Lifeline customers with access to a variety of other features at no cost, including voice mail, caller I.D., call waiting services and E911 capabilities.⁵⁹

c. Access to Emergency Services

Tri-Co certifies that it will provide access to 911 and E911 emergency services for all of its customers throughout its entire service area.⁶⁰

d. Toll Limitation Services

Under the language of Section 54.400, the FCC has defined three terms addressing the service provided by an ETC by which a subscriber may prevent toll charges from accumulating beyond a set point. Specifically, Subsection 54.400(b) of the FCC’s regulations defines “toll blocking” as the service a subscriber may elect to not allow outgoing toll calls. Subsection (c) defines “toll control service” as the service a subscriber may elect to specify a set amount of toll usage allowed per month or per billing cycle. Subsection (d) defines “toll limitation service” as a generic term covering either toll blocking or toll control service for ETCs that are incapable of providing both or covering both where an ETC is capable of providing both.

As described in its Petition, Tri-Co understands that pursuant to Section 54.401(a)(2), toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service. If an ETC charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers’ Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering. Tri-Co will offer toll limitation to its Lifeline customers, at no charge, as part of its universal service offering. Therefore, the nature of Tri-Co’s service eliminates the concern that low-income customers will incur significant charges for long distance calls, risking disconnection of their service.

e. Eligible Broadband Internet Access Services

An ETC subject to a high-cost public interest obligation to offer BIAS must offer BIAS that provides the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service, within the areas where it receives high-cost support.⁶¹

Tri-Co plans to implement a proposed FTTP network across its service area that allows for delivery of voice

⁴⁹ Id. at 8866, para. 160.

⁵⁰ December 2014 CAF Order, 29 FCC Red at 15668 n.43; see also 47 U.S.C. § 153(2) (defining an affiliate as “a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person”).

⁵¹ Cf. Connect America Fund, Report and Order, 28 FCC Red 7211, 7215, para. 9 (2013) (Phase II Challenge Process Order) (finding that it is not sufficient for a broadband provider to qualify as an “unsubsidized competitor” if a consumer must obtain voice service from a third party, because that broadband provider would not be offering a voice service).

⁵² See Connect America Fund et al., Order on Reconsideration, 33 FCC Red 1380, 1387-88, para. 20 (2018) (rejecting arguments contending that “because VoIP is provided over broadband networks and over-the-top voice options are available, broadband service providers need only offer broadband as a standalone service,” and requiring carriers to “offer VoIP over their broadband network on a standalone basis”); cf. Phase II Challenge Process Order, 28 FCC Red 7224, n.21 (explaining that a broadband provider would be considered to be providing voice service if it did so through an affiliated competitive local exchange company or “through a managed voice solution obtained from a third party vendor. . . so long as the broadband provider is the entity responsible for dealing with any customer problems, and it provides quality of service guarantees to end user customers”).

⁵³ See Petition at 7–9.

⁵⁴ See Petition at 7-8.

⁵⁵ See Petition at 6-7.

⁵⁶ See Petition at 6.

⁵⁷ See Universal Service Order, 12 FCC Rcd 8776, 8813, para. 67. Although the FCC’s rules define “local usage” as “an amount of minutes of use of wire center service, prescribed by it, provided free of charge to end users,” the FCC has not specified a number of minutes of use. See 47 CFR 54.101(a)(2). See also Federal-State Joint Board on Universal Service, Recommended Decision, CC Docket No. 96-45, FCC 02J-1 (rel. Jul. 10, 2002).

⁵⁸ See Petition, Exhibit 4, Appendix 4, Proposed Tri-Co Tariff Telephone—Pa. P.U.C. No. 1 at 28–43 and Exhibit 5.

⁵⁹ See Petition, Exhibit 4, Appendix 4, Proposed Tariff Telephone—Pa. P.U.C. No. 1 at 49.

⁶⁰ See Petition, Exhibit 4, Appendix 4, Proposed Tariff Telephone—Pa. P.U.C. No. 1, Sec. 4.9, at 43–46.

⁶¹ 47 CFR §§ 54.101(a)(2) and (c).

and data services, including BIAS, across a broadband access platform.⁶² Tri-Co will implement redundant Ethernet uplinks from the proposed FTTP electronics to its core data network.⁶³ These redundant connections ensure highly reliable broadband data communications services. Tri-Co also plans to implement data network routers, Internet uplinks, and Internet service provider (ISP) services to support customers from the awarded census block locations in Auction 903.⁶⁴ Ultimately, the proposed FTTP architecture enables the network operator to provide peak data speeds to individual users in increments of 1 Mbps or less. That functionality allows Tri-Co to provide a wide variety of data rates up to 1 Gbps (including raw data and ethernet overheads). The FTTP technologies to be implemented by Tri-Co utilize pulses of light to transmit voice and data traffic. This type of terrestrial technology using light results in one of the fastest possible transmission paths, thus creating a very low-latency network. Tri-Co satisfies 47 CFR §§ 54.101(a)(2) and (c).

2. 47 CFR § 54.201

Definition of ETC

Pursuant to Section 153(10) of the Act, “common carrier” is defined as “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio[.]” 47 U.S.C. § 153(10). A carrier is eligible under Section 54.201 so long as it offers the services set forth in Section 54.101, either through its own facilities or a combination of its own facilities and the resale of another carrier’s services and advertises the availability of the federal universal support services using media of general distribution.⁶⁵ Common carriers that provide services consistent with the requirements of Section 214(e) may be designated ETCs. As set forth in its Petition, Tri-Co will be capable of providing the supported services over its own network infrastructure.⁶⁶ Thus, by virtue of its provision of voice and BIAS service to its customers through its own network, Tri-Co satisfies the facilities-based requirement. Therefore, Tri-Co is a common carrier.

Furthermore, Tri-Co avers it will advertise the availability of its Lifeline services using media of general distribution.⁶⁷ Tri-Co states that it will provide service offerings in a manner reasonably designed to reach those likely to qualify for the service.⁶⁸ Tri-Co states that while its eventual advertising for its Lifeline service offering is still in development, it will utilize outreach materials and methods designed to reach households that currently do not have telephone and/or broadband service, will develop advertising materials for non-English speaking populations within its service area, and will coordinate its outreach efforts with relevant government agencies.⁶⁹ Tri-Co will also assist in outreach to its members regarding the availability of the supported services. Tri-Co states that its outreach will likely include targeted direct mail, advertisements in daily and weekly print periodicals, and online search engines.⁷⁰

Finally, as set forth in a supplement to the Petition, Tri-Co certifies that it will inform customers of the

availability of its Lifeline program through general distribution media which may include print, radio and television ads.⁷¹ Tri-Co also intends to promote these offerings to its existing customers who may otherwise qualify for Lifeline. Tri-Co has demonstrated knowledge addressing compliance with current Lifeline requirements and practices including participation with the National Verifier.⁷²

3. 47 CFR § 54.202

Additional Requirements

Tri-Co also meets the additional requirements for ETC designation set forth in Section 54.202, as discussed below.

a. 47 CFR § 54.202(a)(1)

Compliance with Service Requirements

In order to satisfy these criteria, an ETC applicant must demonstrate its commitment and ability to provide supported services throughout the designated service area: (1) by providing services to all customers making a reasonable request for service within the ETC’s designated service area; and (2) by submitting a formal network improvement plan that demonstrates how universal service funds will be used to improve coverage, signal strength, or capacity that would not otherwise occur absent the receipt of high-cost support.

To satisfy the first prong and ensure that an ETC serves requesting customers in its designated service area and demonstrates its capability and commitment to provide service throughout its designated service area to all customers who make a reasonable request for service, the FCC requires an ETC to make specific commitments to provide services to requesting customers in the service area for which it is designated. If the ETC’s network already passes or covers the potential customer’s premises, the ETC should provide service immediately. In those instances where a request comes from a potential customer within the petitioner’s certificated service area but outside its existing network coverage, the petitioner should provide service within a reasonable period of time if service can be provided at reasonable cost.

For supported locations in the eligible CBGs, Tri-Co in its Petition certifies that it will satisfy the FCC’s deployment obligations at 47 CFR § 54.310(c) applicable to recipients of CAF Phase II money awarded through a competitive bidding process. For non-supported locations, Tri-Co in its Petition committed to providing services throughout its proposed designated service area to all customers making a reasonable request for services (i.e., where Tri-Co has facilities or can deploy them at reasonable expense). Specifically, Tri-Co’s designated service area in Pennsylvania is the electric service area of TCREC, which comprises a portion of or the entirety of the exchanges set forth on Exhibit 5 to the Petition, plus a small number of census block locations awarded in the CAF II Auction 903 that are outside of TCREC’s territory. Tri-Co certifies that it will serve any potential customer listed in Exhibit 5 who requests connection to Tri-Co’s system, as long as the fiber facilities have been constructed in the particular area.⁷³ Tri-Co projects that all areas will have fiber access within six years of deployment. Thus, Tri-Co certifies that it will comply with the service requirements applicable to the support it receives.

The “five-year plan” requirement set forth in 47 CFR § 54.202(a)(1)(ii) is inapplicable to Tri-Co. The FCC has

⁶² See Petition at 7-8.

⁶³ See Petition, Exhibit 4 at 5.

⁶⁴ *Id.*

⁶⁵ The statutory and regulatory requirement to provide supported Lifeline service through a combination of a carrier’s own facilities and those of another carrier has in certain instances been obviated through forbearance by the FCC. See, e.g., Virgin Mobile Order. That forbearance is not at issue in this Petition.

⁶⁶ Petition at 6–9.

⁶⁷ *Id.* at 9-10.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ See January 22, 2019 supplement.

⁷² See February 4, 2019 supplement.

⁷³ See Petition at 4.

eliminated the five-year improvement plan requirement for price cap carriers, rate-of-return carriers and petitioners seeking ETC designation to become eligible to receive Auction 903 support.⁷⁴ Therefore, consistent with this decision, since Tri-Co is a winning bidder in Auction 903 and seeking an ETC designation from us, it is not required to file a five-year improvement plan with this Commission.

b. *47 CFR § 54.202(a)(2)*

Functionality in Emergency Situations

An ETC applicant is required to demonstrate its ability to remain functional in emergency situations. In order to satisfy this criterion, an applicant must demonstrate it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

Tri-Co certifies that it intends to design the network with redundancy to enable continuous service.⁷⁵ Tri-Co states that the options that are currently contemplated include locating multiple dead ends in the service territory and ensuring that the network contains at least two backhaul interconnections.⁷⁶ This will ensure that Tri-Co is capable of rerouting traffic around damaged facilities. Additionally, the ONTs installed at the customers' premises also will have battery back-up for up to eight hours when fully charged.⁷⁷

c. *47 CFR § 54.202(a)(3)*

Customer Service and Service Quality Standards

For applicants seeking ETC designation for the purposes of becoming authorized to receive Auction 903 high-cost support, the FCC waived the requirement to submit proof of compliance with consumer protection and service quality standards—finding that the need for such requirements is obviated by specific service quality standards applicable to Auction 903 winning bid areas and specific reporting obligations relating to such standards.⁷⁸ Nonetheless, under independent Pennsylvania law, Tri-Co must still demonstrate that it will satisfy applicable consumer protection and service quality standards. Tri-Co has certified that as a jurisdictional CLEC and IXC facilities-based carrier in Pennsylvania, it will remain subject to the consumer protection and service quality standards and regulations promulgated by the Commission.⁷⁹

d. *47 CFR § 54.202(a)(4)*

Financial and Technical Ability

Generally, a carrier seeking only low-income support under Subpart E, 47 CFR §§ 54.400–54.422, must demonstrate that it possesses the financial and technical ability to provide Lifeline service. Tri-Co in its Petition submits that Section 54.202(a)(4) does not apply here

because Tri-Co is not seeking designation as an ETC for purposes of receiving Lifeline support only. However, Tri-Co must participate in the federal Lifeline program as a condition of receiving an ETC designation to receive high-cost support, and Tri-Co is required to offer Lifeline service to low-income eligible customers or households. Moreover, as discussed in more detail, *infra*, in this Order, there are areas in Pennsylvania where Tri-Co will be a Lifeline-only ETC.⁸⁰ Therefore, the Commission determines that Tri-Co must still demonstrate financial and technical ability to provide Lifeline service and all other services, including in those areas where Tri-Co becomes a Lifeline-only provider.

As noted above, Tri-Co is a “facilities based” applicant in Pennsylvania. Information concerning Tri-Co is as follows:

- Tri-Co is a Pennsylvania Limited Liability Company with its principal place of business at 22 North Main Street, Mansfield, Pennsylvania 16933, telephone (570) 662-2175, facsimile (570) 662-2142.
- Tri-Co has complied with Pennsylvania law relating to a domestic limited liability company.
- Tri-Co has affiliates or predecessors within Pennsylvania: Tri-County Rural Electric Cooperative, C&T Enterprises, Inc., Wellsboro Electric Company, Valley Energy, Inc., and Citizens' Electric Company of Lewisburg PA.
- Tri-Co has one affiliate rendering public utility service outside Pennsylvania: Valley Energy, Inc.

Tri-Co has been awarded federal and state funding to assist in constructing a fiber optic network to serve residential, business, and institutional customers along that route.⁸¹ Specifically, Tri-Co has been awarded \$3.2 million annually in CAF II funding for 10 years in order to develop and implement an FTTP network for voice and broadband services for 7,015 census block locations.⁸² Moreover, Tri-Co has received a Pennsylvania funding commitment of \$17.15 million. In addition to relying upon state and federal grants, TCREC also plans to borrow funds and arrange for a letter of credit to pursue construction of the building out its FTTP network.⁸³ Tri-Co's total estimated construction cost for building out the FTTP network is \$77 million.

Tri-Co will use facilities that are company-owned to provide, among other things, residential and business voice and BIAS. Tri-Co's facilities are fiber-based and include ONTs at the customers' premises. Tri-Co anticipates that messages will originate and terminate at the ONT in TDM or similar, non-Internet Protocol, formats.⁸⁴ As part of its voice service offerings, Tri-Co proposes to offer standalone basic local telephone service, which is a protected service under Pennsylvania law in Tri-Co's currently approved service territory.

In terms of financial integrity, although Tri-Co is a privately held firm with no publicly rated securities, its dual track of funding including support awarded to Tri-Co through the FCC's Auction 903 in addition to the funding from the Pennsylvania Redevelopment Capital Assistance Funds, gives us confidence in the financial ability of Tri-Co. However, if additional information becomes available that casts doubt on Tri-Co's financial integrity, we reserve the right to revisit our determination in this area.

⁷⁴ See Connect America Fund et al., Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Red 3087, 3166, 3168, paras. 216, 220 (2016) (eliminating five-year plan and related progress reports for federal rate-of-return and price cap carriers) (2016 Rate-of-Return Reform Order); see also Notice, WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Red 6696, 6699-6700 (WCB 2019) (Auction 903 ETC Public Notice).

⁷⁵ See Petition at 12-13.

⁷⁶ *Id.*

⁷⁷ February 4, 2019 supplement, Equipment—No. 2, at 4. Under independent Pennsylvania law, Tri-Co remains subject to Pennsylvania's state emergency service mandates, including the VoIP Freedom Act at 75 P.S. §§ 2251.1–2251.6. See also *Eileen Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Order entered April 30, 2013).

⁷⁸ See Auction 903 ETC Public Notice.

⁷⁹ See Petition at 13.

⁸⁰ See generally *In the Matter of Telecommunications Carriers Eligible for Universal Service Support Connect America Fund*, Docket Nos. 09-197 and 10-90 (March 28, 2019) (March 2019 CAF ETC Designation Order).

⁸¹ See Petition at 3.

⁸² See Petition, Exhibit 2.

⁸³ See Petition at 3.

⁸⁴ Petition, Exhibit 4 at 5, para. 10.

As part of our granting its application to operate as a CLEC and IXC in Pennsylvania, we have previously concluded that Petitioner has demonstrated it is technically, managerially, and financially fit to offer the proposed services.⁸⁵ We note that Tri-Co asserts that it possesses the requisite managerial and technical fitness to render CLEC and IXC services in Pennsylvania and is working with a qualified consultant on the engineering, project management, and construction of the network facilities that will provide these services.⁸⁶ Moreover, we are administratively aware that TCREC was one of the successful bidders in the FCC’s CAF II Auction 903 that is aiding with the construction of the planned network facilities in Pennsylvania, and that the FCC’s CAF II bidding process required the substantive demonstration of managerial, technical, and financial fitness elements for the participation of the successful bidders.⁸⁷ Although Tri-Co will provide voice and broadband services mainly to customers that are being served by TCREC, it will also build out to and offer services in the few locations within the FCC’s census block groups for which Tri-Co was awarded CAF II funding that are just outside the service territory of TCREC.⁸⁸ Based on these considerations, we conclude that Tri-Co has the requisite technical, financial, and managerial ability to be designated as an ETC.

e. 47 CFR §§ 54.202(a)(5) and 54.202(a)(6)

Terms and Conditions of Lifeline Plans

Tri-Co in its Petition submits that Sections 54.202(a)(5) and 54.202(a)(6) do not apply here because Tri-Co is not

seeking designation as an ETC for purposes of receiving Lifeline support only. However, consistent with our prior determination regarding Section 54.202(a)(4), we believe these sections are applicable to Tri-Co’s request. Upon review, Tri-Co in its Petition commits to offering Lifeline discounts to qualifying low-income consumers, consistent with the FCC’s rules and the Commission’s rules and guidelines in all high-cost areas where it is authorized to receive support. Tri-Co’s supplements include the requisite description of the service offerings for Lifeline subscribers.⁸⁹ Accordingly, we find that Tri-Co meets the requirements of 47 CFR § 54.202(a)(5) and 47 CFR § 54.202(a)(6).

f. 47 CFR § 54.202(b)

Public Interest Standard

When making a public interest determination for an ETC designation, the FCC historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the petitioner’s service offering.⁹⁰ In particular, granting an ETC designation may serve the public interest by providing a choice of service offerings in rural and high-cost areas. However, the value of increased competition, by itself, may not satisfy the public interest test.

In this case, we believe the public interest standard has been met through Tri-Co’s participation in the CAF II process. Tri-Co was a winning bidder in Auction 903 in the following manner:

<i>Bidder</i>	<i>State</i>	<i>Total Assigned Support for 10-year period</i>	<i>Locations Assigned</i>
Tri County Rural Electric Cooperative, Inc.	PA	\$32,326,228.30	7,015

ETC designations in areas where a winning bidder is authorized to receive Auction 903 support serve the public interest. That arises, in part, because approving an ETC designation for Tri-Co permits it to secure the release of the total 10-year support by the FCC from Auction 903 to deploy broadband-capable networks in rural underserved areas in Pennsylvania that might otherwise prove more expensive or longer to deploy. Receipt of these CAF Phase II federal funds is a considerable benefit as it will help provide Commonwealth consumers with additional access to voice service and broadband deployment. Through participation in Auction 903 bidding and application processes, Tri-Co demonstrates that it can offer voice and BIAS in high-cost areas efficiently and at a price and quality more than comparable to the service offerings in more competitive areas. Many rural customers in Pennsylvania, including many in the TCREC service footprint, have yet to reap the full benefits of access to high speed broadband-capable networks that provide download and upload access under more current federal speed standards. Designating Tri-Co as an ETC in Pennsylvania, therefore, will enable it to expand the availability of advanced telecommunications services to Pennsylvania consumers.

Consequently, designating Tri-Co an ETC in these census blocks will further the delivery of voice and BIAS in a manner that is consistent with the ongoing universal service obligations arising under state and federal law. Consumers will benefit from the Commission’s decision to designate Tri-Co an ETC because Tri-Co will be receiving federal high-cost support in these census blocks and will be required to use its federal support from Auction 903 to expand voice and broadband-capable networks with service quality that meets the FCC’s and this Commission’s requirements.

Moreover, Tri-Co may possibly replace current federal price cap ETCs as the only carrier receiving federal USF high-cost support in these local exchanges.⁹¹ In the December 2014 Connect America Order, the FCC determined that federal price cap carriers can remove their ETC status via the Section 214 process if (1) the census block is determined to be low cost; (2) the census block is

⁸⁵ See generally Tri-Co CLEC and IXC Order.

⁸⁶ See Tri-Co CLEC and IXC Order at 5.

⁸⁷ See, e.g., FCC Public Notice, Instructions for Short-Form Application to Participate in the Connect America Fund Phase II Auction Scheduled to Begin on July 24, 2018, AU Docket No. 17-182, (FCC Rel. March 8, 2018), DA 18-182; FCC Public Notice, Technical Guide on Proposed Bidding Procedures for the Connect America Fund Phase II Auction, AU Docket No. 17-182, WC Docket No. 10-90, (FCC Rel. August 4, 2018), DA 17-733.

⁸⁸ Petition at 5-6, paras. 11-12; Exhibit 4, Original Page Nos. 28—30.

⁸⁹ See January 22, 2019 and February 4, 2019 supplements.

⁹⁰ Federal-State Joint Board on Universal Service, Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier for the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Rcd. 6422, 6424, para. 4 (2004); Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, Memorandum Opinion and Order, 19 FCC Rcd 1563, 1565, para. 4 (2004).

⁹¹ Notwithstanding Pennsylvania state law, a state commission must allow an ETC to relinquish its designation in any area served by more than one ETC pursuant to Section 214(e)(4) of the Act if conditions are met. See 47 U.S.C. § 214(e)(2). The relinquishing ETC must provide advance notice of such relinquishment to the state commission. Prior to allowing the relinquishing carrier to cease providing universal service, the state commission must require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. The state commission also must require sufficient notice to the remaining ETC or ETCs to permit the purchase or construction of adequate facilities, with such purchase occurring within a specific time period. See 47 U.S.C. § 214(e)(4).

served by an unsubsidized competitor offering voice and broadband at speeds of 10/1 Mbps or better to all eligible locations; or (3) the census block is served by a subsidized competitor (another ETC) receiving federal high-cost support to deploy modern networks capable of providing voice and broadband to fixed locations.⁹² While Section 214(e)(4) of the Act enables a price cap ETC to seek relinquishment of its ETC designation, it also requires states (or the FCC if it designated the ETC) to “ensure that all customers served by the relinquishing carrier will continue to be served.”⁹³ Hence, if all other ETCs in Tri-Co’s particular designated service area relinquish their ETC designations, Tri-Co, as the competitive ETC, may be required to ensure that all customers served by the relinquishing carriers in their respective designated service areas will continue to be served.⁹⁴

Since an ETC designation will assist Tri-Co to secure federal universal service high-cost support funding under CAF Phase II in various census blocks in specific local exchanges and also provide voice while promoting the deployment of advanced telecommunications and BIAS to all regions of the Commonwealth, the Commission determines that ETC designation for Tri-Co is in the public interest. It promotes both the FCC’s and the Pennsylvania General Assembly’s goals of preserving and advancing universal service and ensuring the availability of quality telecommunications services at just, reasonable, and affordable rates within rural and high-cost areas. See 66 Pa.C.S. § 3011(2).

g. *47 CFR § 54.202(c)*

Tribal Lands

ETC designation to serve any tribal lands is inapplicable in Pennsylvania, making Section 54.202(c) inapplicable to Tri-Co’s Petition.

h. *47 CFR §§ 54.202(d) and (e)*

Designation as Lifeline Broadband Provider

A Lifeline Broadband Provider (LBP) is a service provider that will provide only Lifeline-supported broadband service, and not Lifeline-supported voice service. Tri-Co is not seeking designation as an LBP but as a federal high-cost ETC. Therefore, Sections 54.202(d) and (e) are inapplicable to Tri-Co’s Petition.

4. *47 CFR § 54.203*

ETCs for Unserved Areas

Because Tri-Co’s Petition does not involve service to an unserved area, Section 54.203 is not applicable.

5. *47 CFR § 54.205*

Relinquishment of Universal Service

⁹² See December 2014 Connect America Order, Report and Order, 29 FCC Red 15644, 15663-71, paras. 50–70.

⁹³ 47 U.S.C. § 214(e)(4) (emphasis added).

⁹⁴ 2005 ETC Designation Order, 20 FCC Red at 6386, para 36. The FCC stated that under Section 214(e)(4) of the Act, the state commission or, in the case of a common carrier not subject to state commission jurisdiction, the FCC “shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.” However, prior to allowing the carrier to cease providing universal service in the area, the remaining ETC or ETCs will be required to ensure that all customers served by the relinquishing carrier will continue to be served. Furthermore, under Section 251(h)(2) of the Act, the Commission may treat another carrier as the incumbent LEC if that carrier occupies a position in the market that is comparable to the position occupied by the incumbent LEC, if such carrier has substantially replaced an incumbent LEC, and if such treatment is consistent with the public interest, convenience and necessity. Moreover, applicable Pennsylvania law notwithstanding, ILECs seeking to relinquish their ETC designations will remain obligated, however, to maintain existing voice service unless and until they receive authority under 47 U.S.C. § 214(a) to discontinue that service. They also will remain subject to the obligation to offer Lifeline service to qualifying low-income consumers or households throughout their service territory.

If at some point in the future Tri-Co seeks to relinquish its ETC designation, Tri-Co agrees to comply with the requirements of Section 54.205 as well as independent state law.

6. *47 CFR § 54.207*

Service Areas

The term service area means a geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms. A service area defines the overall area for which the carrier shall receive support from federal universal service support mechanisms.⁹⁵ In the case of a service area served by a rural telephone company, service area means such company’s study area unless and until the Commission and the states, after taking into account recommendations of a Federal-State Joint Board instituted under Section 410(c) of the Act, establish a different definition of service area for such company.⁹⁶

Tri-Co states that since it is not requesting redefinition of any of the service areas served by a rural incumbent local exchange carrier (RLEC) for which it is seeking an ETC designation, Section 54.207 is inapplicable to its request. We disagree that consideration of redefinition of the RLECs’ service territories was not triggered in Tri-Co’s Petition. However, as explained below, we determine that in light of the FCC’s policies regarding Auction 903 awards, redefinition is not required in this instance. Thus, we agree with Tri-Co that Section 54.207 is inapplicable here notwithstanding that a similar proposal outside of Auction 903 otherwise may qualify as a redefinition.

In its Petition, Tri-Co is not seeking an ETC designation on an RLEC service territory-wide basis. Hence, under standard ETC requests, redefinition of an RLEC service territory would apply because the Petitioner requests to serve only portions of RLECs’ service areas. However, based on our analysis of Tri-Co’s Petition and applicable law, we approve Tri-Co’s request for an ETC designation below the study area level for each of these five RLECs and conclude that redefinition is not required.

Tri-Co is requesting to be designated an ETC only in all or part of certain exchanges of the service territories of five RLECs: Frontier Commonwealth; Frontier Canton; Frontier Oswayo River; North Penn; and Windstream PA. Tri-Co is seeking ETC designation in certain local exchanges within the service area of these RLECs. In particular, Tri-Co was a winning bidder for a certain number of locations in specific eligible CBGs in Pennsylvania, including in these RLECs’ service areas, and it is only seeking ETC designation in all or part of specific exchanges where it was awarded CAF Phase II support funding via Auction 903.

Specifically, Tri-Co seeks ETC designation in the exchanges of the RLECs as follows:

- Frontier Commonwealth: Only Blossburg, Covington, Liberty, Mansfield, Middlebury Center, Morris, Rome, Tioga, Troy, Ulster and Wellsboro local exchanges.
- Frontier Canton: Only Canton and Leroy local exchanges.
- Frontier Oswayo River: Only Millport, Shinglehouse and Genesee local exchanges.
- North Penn: Only Bentley Creek, Roseville and Milerton local exchanges.

⁹⁵ 47 CFR § 54.207(a).

⁹⁶ 47 CFR § 54.207(b).

• Windstream PA: Only Driftwood, Emporium and Hughesville local exchanges.

Generally, once an entity is designated an ETC in a service area, it must offer the supported services throughout that entire service area.⁹⁷ If an area is served by an RLEC, the Act defines the service area for the purpose of designating an ETC to be the rural telephone company's entire study area.⁹⁸ When a competitive ETC seeks to serve an area already served by an RLEC, Section 214(e)(5) of the Act imposes an additional requirement that the competitive ETC's service area must conform to the rural telephone company's service area.⁹⁹ Accordingly, if a state commission sought to designate a competitive ETC in an RLEC service area that differs from the RLEC's existing service area, that rural service area must first be redefined under the process set forth under the Act.¹⁰⁰

However, in its Phase II Auction Order, the FCC held that for those entities that were seeking to obtain ETC designations solely as a result of being selected as winning bidders for the Auction 903 support, it was best to forbear from applying Section 214(e)(5) of the Act and Section 54.207(b) of the FCC's rules insofar as those sections require that the service area of such an ETC conform to the service area of any RLEC serving an area eligible for Phase II support.¹⁰¹ The FCC concluded that forbearance from the Section 214(e)(5) service area conformance requirement for recipients of the Phase II competitive bidding process was appropriate and in the public interest.¹⁰²

The FCC noted that since price cap ETCs declined the offer of model-based support and another entity is now receiving that declined support through Auction 903, the incumbent ETC's service area is no longer a relevant consideration in determining the geographic scope of a winning bidder's ETC designation. Pennsylvania-specific carrier of last resort obligations notwithstanding, the FCC expressly noted that "[i]f the rural telephone affiliate of a [federal] price cap carrier declines the offer of support and another entity is selected as the winning bidder to serve a portion of its area through the competitive bidding process, the incumbent will be replaced by the Phase II competitive bidding recipient in those areas, and the incumbent's legacy service area will no longer be a relevant consideration in determining where the winning bidder should be designated as an ETC."¹⁰³ Consequently, the FCC decided that it was a more efficient use of CAF II funds to provide support to only one provider in a given geographic area in exchange for that provider's commitment to offer service that meets the FCC's requirements throughout the funded area.

Additionally, the FCC noted that forbearing from the service area conformance requirement eliminated the need for redefinition of any RLECs' service areas in the context of the Phase II competitive bidding process.¹⁰⁴ The FCC directly addressed its previously required "cream-skimming analysis," an analysis triggered out of the concern that an ETC serving only a relatively low-cost portion of an RLEC's service area might skim only the

cream of customers by receiving per line support based on the RLECs' cost of serving the entire service area. The FCC determined that such an analysis is irrelevant since a winning bidder will be the only carrier receiving support to serve a bid area and must serve areas the marketplace would not otherwise serve absent the Auction 903 support.¹⁰⁵ Thus, past "cream-skimming" concerns are not relevant to the Phase II support awarded through a competitive process.¹⁰⁶

Accordingly, the analysis that the relevant state and the FCC historically undertook when deciding whether to redefine an RLEC's service area is not applicable to this Phase II competitive bidding process. Therefore, even though Tri-Co is seeking ETC designation below the study area level of these five RLECs, the FCC rules regarding the redefinition process for Auction 903 replace those set forth in 47 CFR §§ 54.207(c) and (d) are not applicable to petitioners seeking ETC designation solely to secure CAF Phase II Auction 903 funding.¹⁰⁷

B. Certification of Eligibility for Benefits under the Anti-Drug Abuse Act

Petitioners must certify that neither the petitioner nor any party to the petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, as implemented in Section 1.2002 of the FCC's rules.¹⁰⁸ Tri-Co has submitted a certification that satisfies the requirements of the Anti-Drug Abuse Act of 1988, as codified in Sections 1.2001—1.2003 of the FCC's rules.¹⁰⁹

C. Tri-Co Satisfies the FCC's Rules and Federal Requirements Governing High-Cost ETC Designations

Based upon our review of Tri-Co's Petition, as supplemented, we determine that Tri-Co satisfies all the applicable and relevant FCC rules and federal requirements necessary to obtain an ETC designation for the purpose of receiving Auction 903 high-cost support. Consumers will benefit from the Commission's decision to designate Tri-Co an ETC in the local exchanges specified in its Petition and this Order, which will allow Tri-Co to receive the CAF Phase II support to expand voice and broadband-capable networks with service quality that meets the FCC's requirements. As an ETC receiving federal high-cost support, Tri-Co is obligated to ensure that support it receives is being used only for the provision, maintenance, and upgrading of facilities and services in the areas where it is designated an ETC. Additionally, because Tri-Co will also be providing voice and BIAS to non-Lifeline customers, we require Tri-Co to comply with applicable Commission and FCC requirements governing the delivery of voice and BIAS to non-Lifeline consumers.

Moreover, as discussed above, in the future, Tri-Co may replace the current incumbent ETCs as the only carrier receiving federal high-cost support in the local exchanges where it has received an ETC designation. Consequently, if all other ETCs in Tri-Co's particular designated service area relinquish their respective ETC designations, Tri-Co, as the competitive ETC, may be required to ensure that all customers served by a relinquishing carrier in its designated service areas will continue to be served under 47 U.S.C. § 214(e)(4).

⁹⁷ 47 U.S.C. § 254(e) (stating that only an ETC is "eligible to receive specific Federal universal service support").

⁹⁸ See 47 U.S.C. § 214(e)(5); see also Universal Service Order, 12 FCC Red at 8880-81, paras. 187-88 (1997).

⁹⁹ See 47 U.S.C. § 214(e)(5); see also 47 CFR § 54.207(b).

¹⁰⁰ 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(c), (d).

¹⁰¹ See Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Red 5949, 6005-09, paras. 157—168 (2016) (Phase II Auction Order).

¹⁰² Id. at 6006, paras. 159—61.

¹⁰³ Id. at 6006, para. 159.

¹⁰⁴ Id. at 6006-09, paras. 162—68.

¹⁰⁵ Id. at 6008, para. 165. It does not appear to us that the high-cost CBGs where Tri-Co is a successful bidder are the low cost/high density areas that historically have been the focus of the FCC's cream skimming analysis. Rather, these areas are high-cost or extremely high-cost by virtue of their inclusion in Auction 903.

¹⁰⁶ Id.

¹⁰⁷ Id.

¹⁰⁸ See 47 CFR § 1.2002.

¹⁰⁹ See Petition at 24.

However, we clarify that in Pennsylvania, Tri-Co is being designated a federal high-cost ETC only in the CAF-eligible census blocks covered by Tri-Co's award in Auction 903 that are located in the local exchanges where Tri-Co plans to provide local exchange services. This limited designation of Tri-Co as a federal high-cost ETC in the rural high-cost CAF-eligible census blocks in Pennsylvania is in the public interest.

Notwithstanding, we understand that Tri-Co specifically stated in its Petition that it is seeking ETC designation in Pennsylvania in thirty-five specific local exchanges in seven different ILEC service territories.¹¹⁰ The Commission notes that the FCC has recently designated entities as federal high-cost ETCs in all relevant high-cost census blocks where they are eligible to receive CAF Phase II support via Auction 903.¹¹¹ In that Order, the FCC also noted that some of the entities before it had also requested designation as an ETC for areas outside of the Auction 903 CAF-eligible census blocks.¹¹² Consequently, the FCC held in such a case where an entity sought ETC designation to serve areas outside of the Auction 903 CAF-eligible census blocks, it would treat that portion of the petition as a Lifeline-only petition.¹¹³ Likewise, for any non-CAF eligible census blocks located within the local exchanges for which Tri-Co has sought an ETC designation, Tri-Co will receive a Lifeline-only ETC designation and is eligible to receive only Lifeline support. Doing otherwise could contravene FCC requirements.

II. Federal Requirements Of Eligible Telecommunications Carriers For Universal Service Support For Low-Income Consumers

Upon receipt of a federal high-cost ETC designation, a winning CAF bidder is required to offer Lifeline services and is required to comply with the rules and requirements of the federal Lifeline program. These rules and requirements have now been amended by the FCC's Lifeline Reform Orders and are codified at 47 CFR §§ 54.101, et seq.

The major goal of the FCC's Lifeline Reform Orders was to implement procedures designed to preserve federal USF resources and prevent waste, fraud and abuse. To that end, the FCC codified rules governing the entire process of Lifeline reimbursement from the USF. These changes established defined terms governing the provision of low-income support and established parameters governing a carrier's duties and eligibility for USF low-income support. Specifically, revised Section 54.400 establishes relevant terms and definitions for provision of Lifeline; Section 54.401 defines Lifeline as a non-transferrable retail service; Section 54.403 establishes the Lifeline support amounts that ETCs may seek from the federal USF; and Section 54.404 requires the creation of the NLAD, which intends to provide a national database for ETCs to cross-check subscriber eligibility as a means to eliminate the federal USF support for duplicative or otherwise ineligible subscribers.

Further, the Lifeline Reform Orders instituted substantial changes which have impacted consumer qualification for Lifeline, including: Section 54.410 (Subscriber Eligibility Determination); Section 54.416 (Annual Certifications by ETCs); Section 54.417 (Record Keeping Requirements); and Section 54.422 (Annual Reporting for ETCs that Receive Low-income Support). These regulations govern

the prerequisite duties of an ETC seeking low-income support from the federal USF.

All current and future ETCs must meet the minimum standards set forth in the FCC's Lifeline Reform Orders. All minimum federal requirements of the FCC's Lifeline Reform Order not expressly discussed herein, are nonetheless applicable to ETC designation requests in Pennsylvania. This includes any subsequent developments in those federal requirements.

A. The FCC's Rules Governing Lifeline

1. 47 CFR § 54.410

Subscriber Eligibility Determination and Certification

The requirements for subscriber eligibility determination and certification requirements in Section 54.410 of the FCC's rules are the major requirements established to prevent waste, fraud, and abuse. These requirements pertain to consumer eligibility factors for Lifeline and the corresponding obligation for verification of that eligibility. The FCC's further requirements for specific formats and process for accomplishing verification are additional requirements for ETC designations. This section further requires that every consumer's eligibility be recertified annually.

In its 2016 Lifeline Order, the FCC established the National Verifier as the entity designated to make eligibility determinations and perform a variety of other functions necessary to enroll eligible subscribers into the Lifeline Program. As outlined in the 2016 Lifeline Order, "[t]he Commission's key objectives for the National Verifier are to protect against and reduce waste, fraud, and abuse; to lower costs to the Fund and Lifeline providers through administrative efficiencies; and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience."¹¹⁴ The National Verifier is a centralized system that determines whether subscribers are eligible for Lifeline. USAC manages the National Verifier and its customer service department, the Lifeline Support Center. Service providers can help Lifeline consumers obtain an eligibility decision from the National Verifier through the service provider portal, or consumers can apply on their own by mail or online. USAC will determine if the applicant is eligible for Lifeline.

The National Verifier was fully launched in Pennsylvania in March of 2019. Because the National Verifier has launched in Pennsylvania, it is the only means used for eligibility determination now and into the future. New and potential Lifeline consumers will receive their initial income-based eligibility determination by signing into CheckLifeline.org from any computer or mobile device to create an account, receive an eligibility decision, and use the list of service providers in their area to contact one to enroll. Tri-Co must use the National Verifier to determine eligibility for its potential Lifeline customers given USAC's implementation of the National Verifier in Pennsylvania.

The FCC modified Sections 54.410(b)(2)(ii), (c)(2)(ii), and (e) of its rules to clarify that where use of the National Verifier determines the consumer's initial eligibility determination or recertification, the National Verifier is not required to deliver copies of those certifications to the ETC. The FCC determined that this amendment to the rules was consistent with its goals that the National Verifier ease burdens on Lifeline service providers while improving privacy and security for consumers applying to participate in the program.

¹¹⁰ See Petition at 4 and Exhibit 5.

¹¹¹ See generally March 2019 CAF ETC Designation Order.

¹¹² Id. at 2 and 4, paras. 3 and 9.

¹¹³ Id.

¹¹⁴ 2016 Lifeline Order, 31 FCC Rcd at 4007, para. 128.

Further, this amendment brings Section 54.410 of the rules in line with the FCC's stated intent in the 2016 Lifeline Order that Lifeline providers would not be required to retain eligibility documentation for eligibility determinations made by the National Verifier as it presents unnecessary risk to the privacy and security of subscriber information. Thus, Tri-Co is not required to retain documentation of eligibility criteria and provide subscribers with form eligibility certifications which provide notice to the subscribers of the Lifeline plan eligibility rules and requires that subscribers provide detailed personal and billing information.¹¹⁵

For low-income consumers residing in group facilities or at an address shared by multiple households, the FCC's "One Per-Household rule" establishes that a "household" is defined as "any individual or group of individuals who are living at the same address as one economic unit." 47 CFR § 54.400(h). Lifeline applicants may demonstrate at the time of enrollment that another Lifeline recipient resides at their address as part of a separate household.

Finally, Section 54.410(f) of the federal rules provides for an annual recertification process by which each subscriber's eligibility for Lifeline service must be recertified. 47 CFR § 54.410(f). In Pennsylvania, service providers must use the National Verifier, which has assumed the responsibility for annual recertification where it has been launched in a state. Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC.

Tri-Co agrees it will verify consumer eligibility to participate in the Lifeline program in accordance with the applicable FCC rules. This includes the FCC's Lifeline Reform Orders' amendment to the minimum eligibility criteria for consumers to receive Lifeline support, the revision to the eligibility determination process through the use of the National Verifier, and the modification of the annual recertification process as the National Verifier will also recertify subscribers each year.

2. 47 CFR §§ 54.416, 54.417 and 54.422

Annual Certifications, Recordkeeping and Reporting

As previously noted, the FCC's rules contain certain annual certification, recordkeeping, and reporting requirements for ETCs participating in the Lifeline program. For one, a service provider must annually certify to USAC that it complies with all applicable federal Lifeline certification procedures to recertify the continued eligibility of all of its Lifeline subscribers.¹¹⁶ Consistent with our prior discussion related to Section 54.410(f), Tri-Co's Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC. In any event, Tri-Co in its Petition represents that it will establish procedures to comply with these provisions.

B. Tri-Co Satisfies All the Federal Requirements Regarding Lifeline

As a CAF II winning bidder and high-cost ETC, Tri-Co is obligated to offer Lifeline-supported services throughout its designated service areas and is obligated to comply with the rules and requirements of the federal Lifeline program. This obligation includes, inter alia, compliance with the FCC's rules for determining subscriber eligibility and annual recertification. Based upon our review of Tri-Co's Petition, as supplemented, we determine that

Tri-Co satisfies all the applicable and relevant FCC rules and federal requirements regarding Lifeline.

III. Pennsylvania-Specific Requirements For ETC Designation

In addition to the minimum federal standards above, through our ETC Guidelines, Tri-Co must comply with Pennsylvania statutory law and Commission orders which govern Pennsylvania's Lifeline program.¹¹⁷ 52 Pa. Code § 69.2501(b).

A. Section 3019(f) Requirements

Section 3019(f) of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 3019(f), and the Commission's PA Lifeline Order set forth the minimum Pennsylvania requirements for ETCs seeking low income support from the federal Lifeline Program. Section 3019(f) includes the following requirements for ETCs:

(1) All eligible telecommunications carriers certificated to provide local exchange telecommunications service shall provide lifeline service to all eligible telecommunications customers who subscribe to such service.

(2) All eligible telecommunications customers who subscribe to lifeline service shall be permitted to subscribe to any number of other eligible telecommunications carrier telecommunications services at the tariffed rates for such services.

(3) Whenever a prospective customer seeks to subscribe to local exchange telecommunications service from an eligible telecommunications carrier, the carrier shall explicitly advise the customer of the availability of lifeline service and shall make reasonable efforts where appropriate to determine whether the customer qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

(4) Eligible telecommunications carriers shall inform existing customers of the availability of lifeline services twice annually by bill insert or message. The notice shall be conspicuous and shall provide appropriate eligibility, benefits and contact information for customers who wish to learn of the lifeline service subscription requirements.

(5) Eligible telecommunications carriers shall provide the department of public welfare with lifeline service descriptions and subscription forms, contact telephone numbers, and a listing of the geographic area or areas they serve, for use by the department of public welfare in providing the notifications required by this paragraph.

(6) No eligible telecommunications carrier shall be required to provide after the effective date of this section any new lifeline service discount that is not fully subsidized by the federal universal service fund.

Tri-Co certifies that it will comply with each of the Section 3019(f) requirements. Tri-Co will provide its prepaid Lifeline service to all eligible telecommunications customers who wish to subscribe to such service and who reside within Tri-Co's service area as defined in its tariff. The Company will also agree to permit eligible customers to subscribe to any number of its other telecommunications services at the standard rates for such services. Tri-Co will establish protocols so that whenever a prospective customer in Pennsylvania seeks to subscribe to Tri-Co's service, Tri-Co will explicitly advise the customer of the availability of Lifeline service and shall meet federal requirements to determine whether the customer

¹¹⁵ 47 CFR § 54.410(c) and (d).

¹¹⁶ 47 CFR § 54.416

¹¹⁷ Because the FCC's Lifeline Reform Order discontinued the Link-Up support from the federal USF, all references to Link-Up programs are now inapplicable.

qualifies for such service and, if so, whether the customer wishes to subscribe to the service.

Furthermore, Tri-Co will inform existing customers of the availability of Lifeline service twice annually by bill insert, in compliance with Section 3019(f)(4). Finally, Tri-Co will provide the Commonwealth's Department of Human Services (DHS), formerly the Department of Public Welfare, with its Lifeline service descriptions and subscription forms, contact telephone numbers and a listing of the geographic area or areas it serves for use by DHS in providing the notification under Section 3019(f)(5).

B. Other Pennsylvania Requirements and Relevant Reporting Requirements¹¹⁸

In addition to the Pennsylvania statutory requirements, the Commission has established Lifeline eligibility criteria, as well as procedures for certification and verification of a consumer's initial and continuing eligibility.¹¹⁹ Additionally, ETCs are further ordered to report to the Commission annual changes in Pennsylvania Lifeline enrollment.¹²⁰ The Commission continues to reserve our right to impose separate state-specific requirements where necessary for the protection of the Commonwealth's consumers.

1. Compliance with Eligibility Certification and Verification

As a condition of its ETC designation, Tri-Co must independently certify a Lifeline applicant's eligibility for service. Compliance with the Lifeline eligibility verification requirements are essential for prevention of waste, fraud and abuse. In particular, all ETCs designated by this Commission are required to take the necessary steps to ensure that Lifeline support paid by the federal USF to the carrier is remitted only for eligible low-income consumers or households.

As stated above, with launch of NLAD in Pennsylvania, Tri-Co must use the National Verifier when helping consumers apply to the Lifeline Program. In addition, Tri-Co must include a public education component as part of its Lifeline outreach program to ensure that consumers are aware of and can participate in, the eligibility determination from the National Verifier.

By our PA Lifeline Order we also required eligibility be confirmed annually and required:¹²¹

That LECs offering Lifeline . . . services are directed to recertify their Lifeline . . . customers at least annually in accordance with FCC procedures established at 47 C.F.R. § 54.410 (relating to certification and verification of consumer qualifications for Lifeline)[.]”

Id. at 27.

Tri-Co is directed, as a condition of receiving an ETC designation, to ensure all of its Lifeline subscribers are recertified. As previously discussed, the National Verifier assumed the responsibility for annual recertification in Pennsylvania as of March 5, 2019, and Tri-Co's Lifeline subscribers will be recertified either automatically

¹¹⁸ We note that many Pennsylvania-specific requirements set forth in our PA Lifeline Order such as the requirements for certification and verification of a customer's initial and continued eligibility for Lifeline services have been impacted by Lifeline developments at the federal level. For example, the creation of the NLAD at 47 CFR § 54.404, has led to changes in the Pennsylvania-specific requirements for eligibility verification.

¹¹⁹ In Re: Lifeline and Link-up Programs, Docket No. M-00051871 (Order entered May 23, 2005) (PA Lifeline Order).

¹²⁰ Re: Section 3015(f) Review Regarding Lifeline Tracking Report, Accident Report, and Services Outage Report, 100 Pa. P.U.C. 553 (Dec. 30, 2005) (Tracking Report Order).

¹²¹ Both Pennsylvania and the FCC eliminated the Lifeline's subscriber ability to self-certify annually.

through the National Verifier's state/federal data sources, or receive a recertification request from USAC.

Prior to recertification, however, we note that the FCC has adopted a reverification process that must occur to determine the continued eligibility of existing Lifeline subscribers. Reverification is the one-time process by the National Verifier to confirm that all existing Lifeline subscribers meet the eligibility standards. Reverification will be performed in groups based on subscribers' enrollment dates. Reverification will reset a subscriber's anniversary date. Subscribers will then be recertified one year after the date that they are successfully reverified.¹²² Thereafter, Lifeline subscribers will be recertified either automatically through the National Verifier's state/federal data sources, or receive a recertification request from USAC. Because Tri-Co has no existing Lifeline subscribers, we note that reverification likely will not be required since all Tri-Co's Lifeline customers will be newly certified.

2. Compliance with the Tracking Report Order

As a condition of ETC designation, ETCs are required under Pennsylvania law to report to the Commission annual changes in Lifeline enrollment, per our Tracking Report Order. Tri-Co will fully comply with the Commission's annual Lifeline Tracking Report requirement.

Further, in order to ensure the Pennsylvania Lifeline program advances the Commonwealth's universal service policy, Tri-Co shall be required to provide to BCS a copy of its annual Lifeline Eligible Telecommunications Carrier Certification Form, FCC Form 555, that it files with USAC.¹²³ The FCC Form 555 reports the results of the annual recertification process and includes data accuracy certifications.

3. Chapter 64 Requirements for Standards and Billing Practices

As a condition of designation, Tri-Co agrees to comply with the standards and billing practices set forth in Commission regulations at 52 Pa. Code §§ 64.1—64.213. Compliance with Chapter 64 will ensure that Tri-Co customers receive the same protections as other Pennsylvania telecommunications services customers.

4. Consumer Lifeline-Related Complaints Processed by the Bureau of Consumer Services

As a final condition of designation, Tri-Co agrees to work with BCS to resolve informal complaints and to submit to Commission jurisdiction on formal complaints filed by Tri-Co Lifeline customers on Lifeline-related issues.¹²⁴ Specifically, BCS will address Lifeline-related issues which pertain to the consumers' rights under its Residential Service Agreement, including: (1) eligibility disputes; (2) program offering issues; and (3) limited equipment-related issues.

Tri-Co will provide notice to consumers in its Pennsylvania promotional materials as well as Pennsylvania-specific information on its web page of their right to contact BCS and of the Commission's contact information, if Lifeline service-related complaints brought to Tri-Co's customer service division are not resolved. In addition, we expect Tri-Co to consult with BCS in preparation of Pennsylvania promotional materials to ensure that they

¹²² See generally PA Lifeline Order and 47 CFR § 54.410.

¹²³ As previously stated in the discussion of Section 54.410 of the FCC regulations, ETCs designated in Pennsylvania must provide our BCS copies of the reports submitted to USAC for purposes of low-income USF support, these reports include, among others, those listed in our PA Lifeline and Tracking Report Orders.

¹²⁴ In its February 4, 2019 supplement, Tri-Co has expressly provided BCS with direct contact information for Tri-Co staff to resolve Lifeline-related issues.

further the delivery of voice and broadband services in a comprehensible fashion in Pennsylvania.

Adherence to these Pennsylvania-specific requirements applicable to ETCs designated by the Commission will assure uniformity among Lifeline services offered by different ETCs, will provide consumer protection for low-income consumers, and will enable BCS to monitor Lifeline Program effectiveness in Pennsylvania.

5. Change in Corporate Control and Renewed ETC Designation

In the event of a change of or transfer in corporate control, as defined in the Commission's regulations at 52 Pa. Code § 63.322, Tri-Co will have to petition this Commission for a renewal of its ETC status. Corporate changes of control may also be accompanied with changes in ETC status of a particular telecommunications entity with reference to the various and evolving support mechanisms of the federal USF. In this respect, this Commission is lawfully entitled to timely re-examine any such changes and ascertain whether a particular telecommunications entity should continue with an ETC designation. For this reason, we shall require Tri-Co to file for renewal of its ETC designation at the same time it files any application for a change or transfer of control under our regulations.

6. Provision of ETC Application, Annual Certification and Promotional Materials to the Bureau of Consumer Services

All ETCs are required to supply the Commission's BCS with copies of subscriber Lifeline applications, annual certifications, promotional/advertising materials, and Lifeline-related customer notices for review for consistency with eligibility determination criteria and annual certification requirements as well as plain language requirements. Accordingly, as a condition of receiving ETC designation, Tri-Co is directed to provide the Commission with copies of any and all reports submitted to USAC, and, upon request, provide BCS with copies of subscriber Lifeline applications, promotional/advertising materials, annual certifications reports, and Lifeline-related customer notices. Any failure of Tri-Co to comply with these requirements will be a basis for revocation of its ETC designation or other enforcement action.

7. Reporting Requirements for State-Designated ETCs Receiving High-Cost Support

In its 2016 Rate-of-Return Reform Order, the FCC eliminated many of the related reporting obligations for ETCs set forth in Form 481. The FCC amended the rules to require ETCs to provide additional detail regarding their broadband deployment during each year. Specifically, ETCs are now required to provide location and speed information of newly-served locations. Also, for those ETCs electing to receive CAF Phase II support they were required to provide information for the locations already served at the time of election.

Tri-Co must comply with the following reporting requirements. ETCs must submit to USAC the geocoded locations to which they have newly deployed broadband. This data will provide an objective metric showing the extent to which ETCs receiving high-cost support are using funds to advance as well as preserve universal service in rural areas, demonstrating the extent to which they are upgrading existing networks to connect rural consumers to broadband. ETCs will also be required to report the number of locations at the minimum speeds required by the FCC's rules. The location and speed data will be used to determine compliance with the FCC's

associated deployment obligations. The geocoded location information should reflect those locations that are broadband-enabled where Tri-Co is prepared to offer service within ten business days that meets the FCC's minimum requirements for high-cost recipients subject to broadband public interest obligations.

ETCs must provide annual reports and certifications regarding specific aspects of their compliance with public interest obligations to the FCC, USAC, and this Commission as the relevant state commission. These annual reporting requirements will provide the factual basis underlying this Commission's annual Section 254(e) certification by October 1 of every year that support is being used for the intended purposes.

C. Tri-Co Satisfies All Pennsylvania-Specific Requirements for Lifeline

In addition to the minimum federal standards mentioned above, all ETCs are required to comply with Pennsylvania law and Commission orders which govern Pennsylvania's Lifeline programs. 52 Pa. Code § 69.2501(b). As already determined above, Tri-Co commits to: (1) abide by the applicable eligibility certification and verification requirements set forth in the Commission's PA Lifeline Order; (2) abide by the applicable requirements set forth in the Commission's Tracking Report Order; (3) abide by the Commission's Chapter 64 regulations regarding standards and billing practices, 52 Pa. Code §§ 64.1—64.213; and (4) have consumer Lifeline-related complaints which are unresolved by Tri-Co's customer service, handled by BCS as appropriate and, if not, be resolved through formal or informal Commission processes.

Conclusion

In consideration of the Tri-Co Petition for ETC designation, as supplemented, we conclude Tri-Co satisfies all federal and Pennsylvania-specific requirements for ETC designation. As a federal high-cost ETC designee, Tri-Co must meet the minimum standards set forth in the FCC's Lifeline Reform Orders, reporting and performance metrics set forth in the USF/ICC Transformation Order, and all related regulations. Further, in Pennsylvania, Tri-Co must satisfy the Commission's requirements in the Public Utility Code, our ETC Guidelines, and all related orders. Designation of Tri-Co as a federal high-cost ETC to secure the federal high-cost support from Auction 903 in discrete census blocks in its tariffed service area in Pennsylvania and as a Lifeline-only ETC in all other census blocks in its service area in Pennsylvania where Tri-Co is not receiving high-cost support is in accord with Section 214 of the Act, the FCC's regulations and orders related to ETC designation, Section 3019(f) of the Public Utility Code, and the Commissions orders on ETC designation. 47 U.S.C. § 214; 47 CFR §§ 54.201, et seq.; and 66 Pa.C.S. § 3019(f); *Therefore,*

It Is Ordered:

1. The Petition of Tri-Co Connections, LLC for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania is granted, subject to the terms and conditions set forth in this order.

2. That the Commission grants Tri-Co Connections, LLC a designation as a federal high-cost Eligible Telecommunications Carrier in all of the CAF-eligible areas of the specific local exchanges located in the service territories of the following companies as listed in the body of this Order: Verizon Pennsylvania LLC; Verizon North LLC; Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company; Fron-

tier Communications of Canton, LLC; Frontier Communications of Oswayo River, LLC; North Penn Telephone Company; and Windstream Pennsylvania, LLC.

3. That the FCC rules regarding the redefinition process as it relates to Tri-Co Connections, LLC's designation as a federal high-cost Eligible Telecommunications Carrier below the study area level of Commonwealth Telephone Company d/b/a Frontier Communications Commonwealth Telephone Company; Frontier Communications of Canton, LLC; Frontier Communications of Oswayo River, LLC; North Penn Telephone Company; and Windstream Pennsylvania, LLC is inapplicable as set forth in this Order.

4. That Tri-Co Connections, LLC is designated an Eligible Telecommunications Carrier eligible only for Lifeline support in those census blocks throughout its designated service area for which it will not be receiving Connect America Fund Phase II Auction 903 high-cost support to the extent described in this Order.

5. That Tri-Co shall provide the Bureau of Consumer Services with copies of subscriber Lifeline applications and annual certification and promotional materials for review for consistency with eligibility determination criteria and annual certification requirements.

6. That the failure of Tri-Co Connections, LLC to comply with any of the provisions of this Order may result in revocation of its ETC designation(s) for purposes of receiving federal Universal Service Fund high-cost support and the federal Lifeline support or be subject to further Commission process.

7. That Tri-Co Connections, LLC shall petition this Commission for any future change to the basic Lifeline service offerings provided through this ETC designation as described herein which represents a limitation or reduction of Lifeline services/equipment provided free of charge, and shall provide notice to this Commission of any addition, change or new offering which is in addition to the basic Lifeline offering.

8. That Tri-Co Connections, LLC shall petition this Commission for renewal of its Eligible Telecommunications Carrier status at the same time it files any application for a change or transfer of control as defined at 52 Pa. Code § 63.322.

9. That the Secretary shall serve a copy of this Order on Tri-Co Connections, LLC, on the Office of Consumer Advocate, and the Office of Small Business Advocate.

10. That a copy of this Order be published in the *Pennsylvania Bulletin*.

11. That this docket be marked closed.

ROSEMARY CHIAVETTA,
Secretary

Statement of Chairperson Gladys M. Brown

The Eligible Telecommunications Carrier (ETC) designation we grant today is required by federal law before a carrier can receive federal funding. It is also historic.

Tri-Co can now proceed to get the funding it seeks to construct a Fiber-to-the-Home Broadband network in very high-cost areas of rural Pennsylvania. This fiber network, a network that offers virtually unlimited capacity, is going to provide broadband service to rural consumers at speeds greater than the federal minimum and at affordable rates. This includes eligible low-income consumers under the federal Lifeline program.

Tri-Co's petition was successful, at least in part, due to a \$17.15M funding commitment from Pennsylvania as part of the Office of Broadband Initiative's focus on getting broadband to rural Pennsylvania. We look forward to working with Tri-Co as it deploys this state-of-the-art fiber broadband network and begins to provide service to rural Pennsylvania.

GLADYS M. BROWN,
Chairperson

[Pa.B. Doc. No. 19-639. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by May 13, 2019. 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-2019-3009064. US Ride Trans, LLC (7328 Belden Street, Philadelphia, Philadelphia County, PA 19111) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the County of Delaware and the City and County of Philadelphia to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19103.

A-2019-3009193. LMC Limousine & Transportation Services, Inc. (1020 Industrial Boulevard, Suite 400, Southampton, Bucks County, PA 18966) persons in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return. *Attorney:* Paul S. Bilker, 538 Durham Road, Newtown, PA 18940.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2019-3009150. S Express, Inc., t/a Cool Moving (9963 Sandy Road, Philadelphia, PA 19115) household goods in use, between points in Pennsylvania.

Application of the following for approval to begin operating as a broker for transportation of household goods in use as described under the application.

A-2019-3009119. Harrison Bros Paving, LLC (668 Stony Hill Road, Suite 256, Yardley, PA 19067) for the right to arrange for the transportation of household goods in use, between points in Pennsylvania.

Applications of the following for the approval of the transfer of stock as described under each application.

A-2019-3008528. Lehigh Valley Medical Transportation and Consulting, Inc. (6341 Hoffman Lane, Coopersburg, Lehigh County, PA 18036) for the approval of the transfer of 1,000 shares of the issued stock, from Rane Morrison (350 shares), Christine Minnich (350 shares) and Richard M. Gurba (300 shares) to Special Event Emergency Medical Services, Inc., t/a Mid-State Mobile Health Partners. *Attorney:* James H. Cawley, 320 Market Street, Suite 600W, Harrisburg, PA 17101.

A-2019-3008523. Special Event Emergency Medical Services, Inc., t/a Mid-State Mobile Health Partners (1475 Pleasant Drive, Dover, PA 17315) for the approval of the transfer of 20 shares of issued stock, from Thomas R. Alleman (20 shares), to Heather Baublitz (18 shares), Douglas K. Baade (1 share) and Richard M. Gurba (1 share). *Attorney:* James H. Cawley, Esquire, SkarlatosZonarich LLC, 320 Market Street, Suite 600W, Harrisburg, PA 17101.

A-2019-3009086. Unique Limousine Service, Inc. (1900 Crooked Hill Road, Harrisburg, Dauphin County, PA 17110) for the approval of the transfer of 100 shares of the issued stock, from James J. and Josephine Salinger to Tracy L. Salinger. *Attorney:* Vance E. Antonacci, 570 Lausch Lane, Suite 200, Lancaster, PA 17601.

Application 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 the application.

A-2019-3009117. Cable Enterprises, Inc. (2876 Route 286, P.O. Box 80, Saltsburg, Westmoreland County, PA 15681) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle: 1) persons in limousine service, between points in Pennsylvania; and 2) persons in limousine service, between points in the County of Allegheny. *Attorney:* John A. Pillar, 150 Green Commons Drive, Pittsburgh, PA 15243.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-640. Filed for public inspection April 26, 2019, 9:00 a.m.]

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 May 13, 2019, and must be made with the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. All American Limo, Inc.; Docket No. C-2019-3007899

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 All American Limo, Inc., (respondent) is under suspension effective February 04, 2019 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 4731 Hulmeville Road, Bensalem, PA 19020.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 09, 2016, at A-00121477.
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-00121477 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: 2/26/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Award Trucking, LLC; Docket No. C-2019-3008106

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 Award Trucking, LLC, (respondent) is under suspension effective February 13, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 51325, Philadelphia, PA 19115.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 30, 2018, at A-8921614.

4. That respondent has failed to maintain evidence of Liability and 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-8921614 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: 2/27/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Kristen A. Reese; Docket No. C-2019-3008132

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 Kristen A. Reese, (respondent) is under suspension effective February 13, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 3523 March Dr., Camp Hill, PA 17011.

3. That respondent was issued a Certificate of Public Convenience by this Commission on March 1, 2018, at A-8920353.

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-8920353 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: 3/5/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 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.

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

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

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.

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.

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**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Patterson
Trucking, LLC; Docket No. C-2019-3008151**

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 Patterson Trucking, LLC, (respondent) is under suspension effective February 18, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 4154 Beaufort Hunt Drive, Harrisburg, PA 17110.

3. That respondent was issued a Certificate of Public Convenience by this Commission on November 04, 2015, at A-8918157.

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-8918157 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: 3/5/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—————

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Damon W. Belser,
t/a Olive Branch Transportation;
Docket No. C-2019-3008449**

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 Damon W. Belser, t/a Olive Branch Transportation, (respondent) is under suspension effective February 17, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1300 Fayette St., Ste. 199, Conshohocken, PA 19428.

3. That respondent was issued a Certificate of Public Convenience by this Commission on August 15, 2017, at A-6419799.

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-6419799 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: 3/12/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Holdren's
Hauling, Inc.; Docket No. C-2019-3008456**

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 Holdren's Hauling, Inc., (respondent) is under suspension effective February 22, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1124 Grange Hall Road, Ulster, PA 18850.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 27, 2010, at A-8911998.

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-8911998 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: 3/12/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler 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 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Salt Bay Freightlines, Inc.; Docket No. C-2019-3008460

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 Salt Bay Freightlines, Inc., (respondent) is under suspension effective February 25, 2019 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P.O. Box 106, Zionhill, PA 18981.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 27, 2014, at A-8916429.

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-8916429 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: 3/19/2019

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

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:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmpltResp@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 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.

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

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

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.

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.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-641. Filed for public inspection April 26, 2019, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**
Telecommunications Services

A-2019-3008477. Onvoy, LLC. Application of Onvoy, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Windstream Buffalo Valley, Inc.; Windstream Conestoga, Inc.; Windstream D&E, Inc.; Windstream Pennsylvania, LLC; and Consolidated Communications of Pennsylvania Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 13, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. 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: Onvoy, LLC

Through and By Counsel: Scott Kellogg, Attorney, Onvoy, LLC, 550 West Adams Street, 9th Floor, Chicago, IL 60661

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-642. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control

A-2019-3009186. SQF, LLC. Application of SQF, LLC for approval of the transfer of control of SQF, LLC to SDC Tilson Investor, LLC.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before May 13, 2019. 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. 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: SQF, LLC

Through and By: Nicholas Bournakel, SQF, LLC, 16 Middle Street, 4th Floor, Portland, ME 04101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-643. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Wastewater Service

A-2019-3004933. Pennsylvania-American Water Company—Wastewater Division. Application of Pennsylvania-American Water Company—Wastewater Division, under 66 Pa.C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate; and valuation of acquired water and wastewater systems) for approval of: (1) the transfer by sale for fair market rate base valuation of substantially all of the Township of Exeter's assets, properties and rights related to its wastewater collection and treatment system to Pennsylvania-American Water Company; and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish wastewater service to the public in portions of the Township of Exeter, and in portions of Alsace and Lower Alsace Townships, to one bulk service interconnections point with Alsace Township and to four bulk service interconnection points with St. Lawrence Borough, Berks County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, May 14, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. 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: Pennsylvania-American Water Company—Wastewater Division

Through and By Counsel for: David P. Zambito, Esquire, Cozen O'Connor, 17 North Second Street, Suite 1410, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-644. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale and Water Service

A-2019-3006880. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company, under 66 Pa.C.S. §§ 1102(a) and 1329 (relating to enumeration of acts requiring certificate; and valuation of acquired water and wastewater systems) for approval of: (1) the transfer by sale for fair market rate base valuation of substantially all of the Steelton Borough Authority's assets, properties and rights related to its water treatment, transportation and distribution facilities to Pennsylvania-American Water Company; and (2) the rights of Pennsylvania-American Water Company to begin to offer or furnish water service to the public in the Borough of Steelton and a portion of the Township of Swatara, Dauphin County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before Tuesday, May 14, 2019. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, 2nd Floor, Harrisburg, PA 17120, with a copy served on the applicant. 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: Pennsylvania-American Water Company

Through and By Counsel for: Susan Simms Marsh, Esquire, 852 Wesley Drive, Mechanicsburg, PA 17055

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 19-645. Filed for public inspection April 26, 2019, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting in Room 307, Finance Building, Harrisburg, PA on May 7, 2019, at 9 a.m., for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations

should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,
Executive Director

[Pa.B. Doc. No. 19-646. Filed for public inspection April 26, 2019, 9:00 a.m.]

PENNSYLVANIA BULLETIN

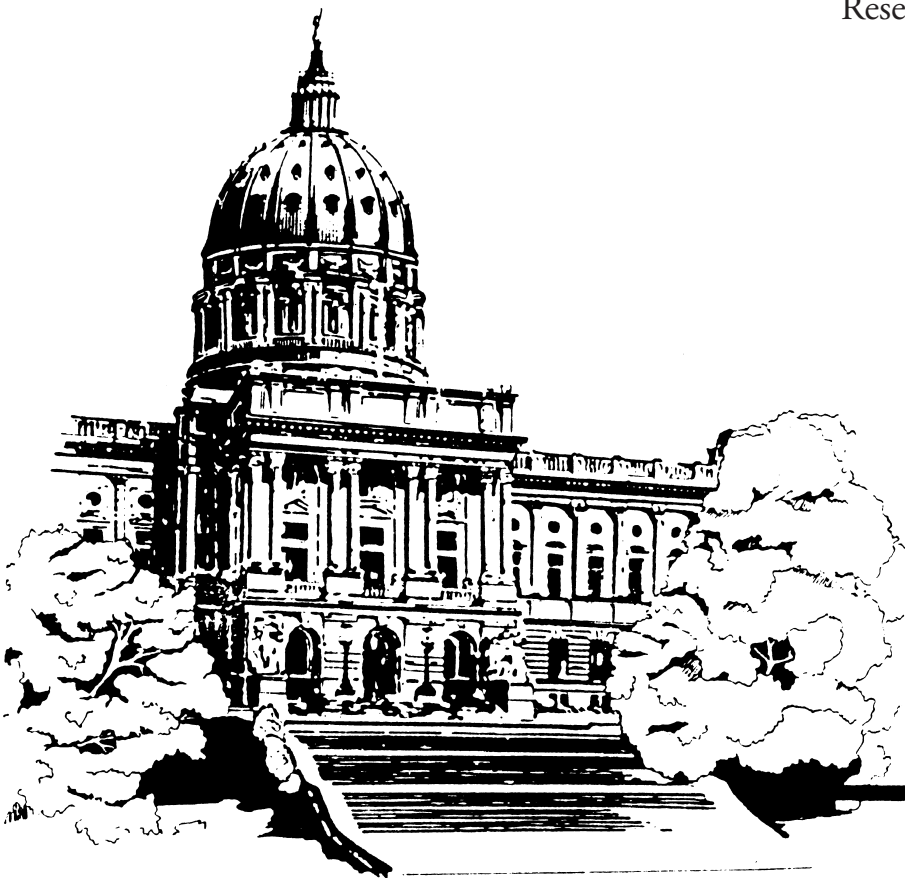
Volume 49

Number 17

Saturday, April 27, 2019 • Harrisburg, PA

Part II

This part contains the
Commission on Sentencing's
Proposed 7th Edition Sentencing
Guidelines, Amendment 5; Proposed
Resentencing Guidelines



THE GENERAL ASSEMBLY

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

COMMISSION ON SENTENCING PART VIII. CRIMINAL SENTENCING [204 PA. CODE CHS. 303 and 307]

Proposed 7th Edition Sentencing Guidelines, Amendment 5; Proposed Resentencing Guidelines

The Pennsylvania Commission on Sentencing hereby publishes for public comment proposed Amendment 5 to the 7th Edition Sentencing Guidelines, 204 Pa. Code §§ 303.1—303.18(c). The Commission also publishes for public comment proposed Resentencing Guidelines. The proposed Amendment 5 is set forth in Annex A, and the proposed Resentencing Guidelines are set forth in Annex B.

The 7th Edition Sentencing Guidelines, which the Commission adopted on September 13, 2012, apply to all offenses committed on or after the effective date of December 28, 2012. In response to legislation enacted since September 13, 2012, the Commission adopted the following amendments to the 7th Edition Sentencing Guidelines:

- Amendment 1 of the 7th Edition Sentencing Guidelines was adopted on June 6, 2013 and became effective September 27, 2013.
- Amendment 2 of the 7th Edition Sentencing Guidelines was adopted on June 5, 2014 and became effective September 26, 2014.
- Amendment 3 of the 7th Edition Sentencing Guidelines was adopted on June 4, 2015 and became effective September 25, 2015.
- Amendment 4 of the 7th Edition Sentencing Guidelines was adopted June 1, 2017 and became effective January 1, 2018. A Supplement to Amendment 4 of the 7th Edition Sentencing Guidelines was adopted on December 14, 2017 and became effective June 1, 2018.

On March 7, 2019, the Commission approved for the purpose of public comment proposed Amendment 5 of the 7th Edition Sentencing Guidelines, primarily addressing legislative mandates to create sentencing enhancements for:

- 1) Domestic violence involving simple or aggravated assault in the presence of a minor (42 Pa.C.S. § 9720.8);
- 2) Homicide by vehicle (75 Pa.C.S. § 3732(a)) if there is a conviction for a violation of 75 Pa.C.S. § 1501 (required to be licensed) or § 1543 (operating privilege suspended/revoked); and
- 3) Aggravated assault by vehicle (75 Pa.C.S. § 3732.1(a)) if there is a conviction for a violation of 75 Pa.C.S. § 1501 (required to be licensed) or § 1543 (operating privilege suspended/revoked).

Additionally, this proposal addresses changes in the classification of offenses related to driving under the influence (75 Pa.C.S. § 3802) and other Title 75 offenses, and assigns offense gravity scores to new and modified offenses enacted by the General Assembly during the 2017-2018 Session. The proposed Amendment 5 is set forth in Annex A.

Resentencing Guidelines, mandated by Act 81 of 2008, require the Commission to “. . . adopt guidelines that shall be considered by the court when resentencing an offender following revocation of probation, county intermediate punishment or state intermediate punishment. The guidelines shall take into account: (1) factors considered in adopting the sentencing guidelines, (2) the seriousness of the violation, and (3) the rehabilitative needs of the defendant” (42 Pa.C.S. § 2154.4). As no statewide data source existed, the Commission developed a revocation and resentencing module within SGS Web to collect resentencing information. Effective with Amendment 3 of the 7th Edition Sentencing Guidelines, the Commission required “for all sentences imposed on or after January 1, 2016, all subsequent revocations of probation, county intermediate punishment, and state intermediate punishment and related resentences shall be reported to the Commission” (§ 303.1(e)(2)).

On March 7, 2019, the Commission approved for the purpose of public comment proposed Resentencing Guidelines. This proposal is informed by an analysis of the revocations and resentences reported to the Commission since 2016, and provides resentencing recommendations for technical violations and conviction violations. These recommendations would apply to revocations of probation, county intermediate punishment and state intermediate punishment. The Commission is seeking public comment on the proposed Resentencing Guidelines as set forth in Annex B.

In accordance with 42 Pa.C.S.A. § 2155, the Commission shall publish in the *Pennsylvania Bulletin* all proposed sentencing guidelines and risk assessment instruments and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association
- (ii) Chiefs of Police Associations
- (iii) Fraternal Order of Police
- (iv) Public Defenders Organization
- (v) Law School faculty members
- (vi) Pennsylvania Board of Probation and Parole
- (vii) Pennsylvania Department of Corrections
- (viii) Pennsylvania Bar Association
- (ix) Pennsylvania Wardens Association
- (x) Pennsylvania Association on Probation, Parole and Corrections
- (xi) Pennsylvania Conference of State Trial Judges
- (xii) Any other interested person or organization

The Commission will hold the following three public hearings to receive comments on the proposed revisions to the sentencing guidelines and proposes resentencing guidelines:

Hearing I.

Date: Wednesday, May 29, 2019

Time: 1:30 p.m.

Location: Montgomery County Courthouse, Courtroom A
2 East Airy Street
Norristown, PA

*Hearing II.**Date:* Thursday, June 6, 2019*Time:* 1:30 p.m.*Location:* Cambria County Courthouse, Courtroom 1
200 South Center Street
Ebensburg, PA*Hearing III.**Date:* Wednesday, June 12, 2019*Time:* 2:00 p.m.*Location:* Pennsylvania Judicial Center
601 Commonwealth Avenue
Harrisburg, PA

Persons or organizations wishing to testify are asked to contact the Commission at least five business days prior to the hearing to be registered and are asked to provide an electronic copy of any testimony. Written comments from persons or organizations not wishing to testify should be received by the Commission at least five business days before the last-scheduled public hearing. Commission staff will copy and distribute any submitted documents to Commission Members. Please contact Cathy Dittman (814.863.5729 or CWD2@PSU.EDU) to register to testify and/or to submit testimony or written comments.

Any other individuals wishing to testify who have not registered five days in advance are asked to provide 30 copies of any testimony at the time of the public hearing.

The Commission will evaluate the proposed Amendment 5 to the 7th Edition Sentencing Guidelines and the proposed Resentencing Guidelines after consideration of the testimony and written comments received. The Commission anticipates addressing these proposals at its next quarterly meeting, which will be held on Thursday, June 13, 2019 at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA. All Commission meetings are open to the public. Any proposals adopted by the Commission will be submitted to the General Assembly for review by way of publication in the *Pennsylvania Bulletin*, and will become effective 90 days after publication unless rejected by concurrent resolution of the General Assembly.

JUDGE SHEILA A. WOODS-SKIPPER,
Chair

Commentary on Annex A

This Commentary provides selected highlights of the proposed Amendment 5 to the 7th Edition Sentencing Guidelines. The proposed Amendment 5 is set forth in Annex A.

Revisions to 303.1—Sentencing guideline standards

Amendment 4 of the 7th Edition Sentencing Guidelines were effective January 1, 2018, and apply to all offenses committed on or after that date. The Supplement to Amendment 4 was effective June 1, 2018 and applies to violations of 35 P.S. § 780-113(a)(14) and (30) involving fentanyl and its derivatives and analogues. If adopted, Amendment 5 will be effective January 1, 2020.

Revisions to 303.2—Procedure for determining the guideline sentence

No changes.

Revisions to 303.3—Offense gravity score (general)

Language was added in (e)(2), Violation of the Controlled Substance, Drug, Device, and Cosmetic Act. The

subsection is added to clarify the intent of the Supplement to Amendment 4. The subcategorization which increased the OGS assignments for fentanyl and its derivatives and analogues was intended to be limited to circumstances where there is proof at trial that the defendant knowingly possessed, distributed, delivered or manufactured fentanyl or its derivatives or analogues. In circumstances where fentanyl is included in the mixture or compound but is not proven at trial (or included in a plea), the mixture or compound is assigned the OGS for "Other Narcotics of Schedule I or II."

Language was modified in (f) to address the offense gravity score assignment instances in which the grade of an offense in § 303.15 is decreased.

In (g), the offense gravity score of '15' will apply to all sentences for first or second degree murder.

Revisions to 303.4—Prior record score (categories)

No changes.

Revisions to 303.5—Prior record score (prior convictions)

No changes.

Revisions to 303.6—Prior record score (prior juvenile adjudications)

Language was modified in (a)(2) to include juvenile adjudications for driving under the influence and operating a watercraft under the influence.

Revisions to 303.7—Prior record score (guideline points scoring)

No changes.

Revisions to 303.8—Prior record score (miscellaneous)

No changes.

Revisions to 303.9—Guideline sentence recommendations (general)

The Commission modified the Youth and School Enhancement. In its view distribution of a controlled substance to a minor is more serious an offense than distribution in a school zone. Therefore, the application of the enhancement is modified in § 303.9(c). See also §§ 303.10, 303.11, 303.13, and 303.18.

Act 157 of 2018 mandated that the Commission adopt a sentencing enhancement for simple and aggravated assault if the defendant committed the offenses against a family or household member, the defendant knew the crime was witnessed via sound or sight by a minor, and the minor was also a family or household member. The Commission chose to expand this mandate to propose a broader sentencing enhancement that applies to any offense under 18 Pa.C.S. Chapters 25, 27, 29, 30, 31, or 49 against a family or household member. The offense gravity score is increased by one point. Additionally, if the offense was witnessed by a minor family/household member, the court must consider whether to order the offender to pay any costs or fees associated with treatment for the minor resulting from exposure to domestic violence. See also § 303.10 and § 303.14.

Revisions to 303.10—Guideline sentence recommendations (enhancements)

The Commission modified the Youth and School Enhancement. In its view distribution of a controlled substance to a minor is more serious an offense than distribution in a school zone. Therefore, the application of the enhancement is modified in § 303.10(b). See also §§ 303.9, 303.11, 303.13, and 303.18.

In (h), the Commission sets forth the Domestic Violence Sentencing Enhancement. See also § 303.9 and § 303.14.

Revisions to 303.11—Guideline sentence recommendations (sentencing levels)

The Commission modified the Youth and School Enhancement. In its view distribution of a controlled substance to a minor is more serious an offense than distribution in a school zone. Therefore, the application of the enhancement is modified in 303.11(b). See also §§ 303.9, 303.10, 303.13, and 303.18.

Revisions to 303.12—Guideline sentence recommendations (sentencing programs)

No changes.

Revisions to 303.13—Guideline sentence recommendations (aggravating and mitigating circumstances)

The Commission modified the Youth and School Enhancement. In its view distribution of a controlled substance to a minor is more serious an offense than distribution in a school zone. Therefore, the application of the enhancement is modified in § 303.13(b)(7). See also §§ 303.9, 303.10, 303.11, and 303.18.

Revisions to 303.14—Guideline sentence recommendations (economic sanctions)

Under (b) related to costs and fees, the Commission includes a reference to the Domestic Violence Sentencing Enhancement. See also § 303.9 and § 303.10.

Revisions to 303.15—Offense listing

New or modified offenses:

18 Pa.C.S.A.

- § 2713. Neglect of care-dependent person
- § 3713.1. Abuse of care-dependent person
- § 2802. Hazing a minor or student
- § 2803. Aggravated hazing a minor or student
- § 3505. Unlawful use of unmanned aircraft
- § 3935.1. Theft of secondary metal
- § 4121. Possession and use of unlawful device
- § 4915.2. Sexual offender registration
- § 5103.1. Use or operate device to capture, record, etc., proceeding or person in judicial facility
- § 5532—5549. Cruelty to animals
- § 6105. Firearms-persons not to possess: failure to relinquish with PFA
- § 6105.2. Firearms-persons not to possess: intentionally or knowingly fail to relinquish
- § 6701. Misrepresentation of military service or honors
- § 7314. Fraudulent traffic in SNAP benefits

62 Pa.C.S.A.

- § 481. Welfare fraud

75 Pa.C.S.A.

- § 1543. Drive w/susp. Lic.: ARD condition (3rd/subsq off)
- § 3732. Homicide by vehicle
- § 3732.1. Aggravated assault by vehicle
- § 3735. Homicide by vehicle while DUI
- § 3735.1. Aggravated assault by vehicle while DUI
- § 3742.1. Accident involving death/personal injury
- § 3802. DUI

Corrections:

18 Pa.C.S.A.

- § 2904(a). Interfere with custody of children-good cause/time <24 hrs. (ML Tier I)
- § 3922(a)(3). Theft by deception-fail to correct (>\$25,000-<\$100,000 or motorized vehicle)
- § 3923(a)(7). Theft by extortion-inflect harm (>\$25,000-<\$100,000 or motorized vehicle)
- § 3925(a). Theft of receiving stolen property (>\$25,000-<\$100,000 or motorized vehicle)

23 Pa.C.S.A.

- § 6319. Failure to report or refer suspected child abuse

35 P.S.

- § 780-113(a)(30). Possession with intent to deliver PCP (100-<1000 g)

Technical Change:

18 Pa.C.S.A.

- § 7131(a). Buying/exchanging food stamps benefits
- 35 P.S.—included reference to § 303.3(e)(2)*
- § 780-113(a)(14). Delivery by practitioner—fentanyl and its derivatives and analogues
 - § 780-113(a)(30). Possession with intent to deliver—fentanyl and its derivatives and analogues

Assignment of OGS 15 to Murder 1 and Murder 2:

18 Pa.C.S.A.

- § 2502. Murder
- § 2505. Causing suicide (as homicide 1 or 2)
- § 2507. Murder of law enforcement officer
- § 2604. Murder of unborn child
- § 2716. Weapons of mass destruction-use (cause death)
- § 3301. Arson endangering persons-cause death w/intent (murder)

Revisions to 303.16(a)—Sentencing Guidelines Matrix

No changes.

Revisions to 303.16(b)—Sentencing Guidelines Matrix

Matrix modified to incorporate an OGS 15 for all murder of first and second degree.

Revisions to 303.17—Deadly Weapon Enhancement Matrices

No changes.

Revisions to 303.18—Youth and School Enhancement Matrices

Sentencing ranges for OGS 12 and OGS 14 added due to Fentanyl OGS assignments. Commission recommends greater ranges applied for youth enhancement than for school enhancement. Section 303.18(a) changed to School Enhancement. Section 303.18(b) changed to Youth Enhancement. 303.18(c) renamed School and Youth Enhancement. Also see §§ 303.9(c), 303.10(b), 303.11(b), and 303.13(b)(7).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 303. SENTENCING GUIDELINES

§ 303.1. Sentencing guidelines standards.

(a) The court shall consider the sentencing guidelines in determining the appropriate sentence for offenders

convicted of, or pleading guilty or nolo contendere to, felonies and misdemeanors. Where crimes merge for sentencing purposes, the court shall consider the sentencing guidelines only on the offense assigned the higher Offense Gravity Score.

(b) The sentencing guidelines do not apply to sentences imposed as a result of the following: accelerated rehabilitative disposition; disposition in lieu of trial; direct or indirect contempt of court; violations of protection from abuse orders; revocation of probation, intermediate punishment or parole.

(c) The sentencing guidelines shall apply to all offenses committed on or after the effective date of the guidelines. Amendments to the guidelines shall apply to all offenses committed on or after the date the amendment becomes part of the guidelines.

(1) When there are current multiple convictions for offenses that overlap two sets of guidelines, the former guidelines shall apply to offenses that occur prior to the effective date of the amendment and the later guidelines shall apply to offenses that occur on or after the effective date of the amendment. If the specific dates of the offenses cannot be determined, the later date determines the edition of the guidelines that shall apply to the offenses.

(2) The initial sentencing guidelines went into effect on July 22, 1982 and applied to all crimes committed on or after that date. Amendments to the guidelines went into effect in June 1983, January 1986 and June 1986. On October 7, 1987 the Pennsylvania Supreme Court invalidated the guidelines due to a procedural error that occurred in 1981 when the legislature rejected the first set of guidelines. New guidelines were drafted and became effective on April 25, 1988. Amendments to the guidelines went into effect August 9, 1991 and December 20, 1991. Revised sets of guidelines became effective August 12, 1994, June 13, 1997, June 3, 2005, December 5, 2008, and December 28, 2012. Amendments to the guidelines went into effect September 27, 2013, September 26, 2014, [and] September 25, 2015, **January 1, 2018, and June 1, 2018**. This amendment, Amendment [4] 5 of the 7th Edition Sentencing Guidelines, shall take effect **January 1, [2018] 2020** and apply to all crimes committed on or after that date.

(d) In every case in which a court of record imposes a sentence for a felony or misdemeanor, the court shall make as a part of the record, and disclose in open court at the time of sentencing, a statement of the reason or reasons for the sentence imposed. In every case where a court of record imposes a sentence outside the sentencing guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in § 303.1(e).

(e)(1) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to prepare all guideline-required sentencing information. The completed Guideline Sentence Form shall be made a part of the record and the information electronically submitted to the Commission via SGS Web no later than 30 days after the date of sentencing.

(2) Effective for sentences imposed on or after January 1, 2016, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's

direction to report all subsequent revocations of probation, county intermediate punishment and state intermediate punishment and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

(f) Effective January 1, 2014, the State Identification Number (SID) for an offender shall be included as part of the record in the completed Guideline Sentence Form.

§ 303.2. Procedure for determining the guideline sentence.

(a) For each conviction offense of a judicial proceeding, the procedure for determining the guideline sentence shall be as follows:

(1) Determine the Offense Gravity Score as described in § 303.3 and § 303.15.

(2) Determine the Prior Record Score as described in § 303.4—§ 303.8.

(3) Determine the guideline sentence recommendation as described in § 303.9—§ 303.14, including enhancements (§ 303.10), and aggravating or mitigating circumstances (§ 303.13).

(b) *Judicial proceeding.* A judicial proceeding is a proceeding in which all offenses for which the offender has been convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple offenses and transactions.

§ 303.3. Offense Gravity Score—general.

(a) An Offense Gravity Score is given for each offense. The Offense Gravity Scores are located in § 303.15.

(b) *Subcategorized offenses.* Certain offenses are subcategorized and scored by the Commission according to the particular circumstances of the offense. The court determines which Offense Gravity Score, located in § 303.15, applies. These offenses are designated by an asterisk (*).

(c) *Inchoate offenses.* Inchoate offenses are scored as follows:

(1) Convictions for attempt, solicitation, or conspiracy to commit a Felony 1 offense receive an Offense Gravity Score of one point less than the offense attempted, solicited, or which was the object of the conspiracy.

(2) Convictions for attempt, solicitation, or conspiracy to commit any offense which is not a Felony 1 offense, receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(3) Convictions for attempt, solicitation, or conspiracy to commit any offense under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-101—§ 780-144) receive the Offense Gravity Score of the offense attempted, solicited, or which was the object of the conspiracy.

(4) *Exception for inchoate murder convictions.* Convictions for attempt, solicitation, or conspiracy to commit murder receive the Offense Gravity Score of 14 if there is serious bodily injury and 13 if there is no serious bodily injury.

(d) *Ethnic Intimidation.* Convictions for Ethnic Intimidation (18 Pa.C.S. § 2710) receive an Offense Gravity Score that is one point higher than the offense which was the object of the Ethnic Intimidation. When the object

offense is murder of the third degree, a conviction for Ethnic Intimidation receives the highest Offense Gravity Score applicable.

(e) *Violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).* If any mixture or compound contains any detectable amount of a controlled substance, the entire amount of the mixture or compound shall be deemed to be composed of the controlled substance. If a mixture or compound contains a detectable amount of more than one controlled substance, the mixture or compound shall be deemed to be composed entirely of the controlled substance which has the highest Offense Gravity Score.

(1) *Exception for prescription pills.* For violations of 35 P.S. § 780-113(a)(12), (a)(14), and (a)(30) involving narcotic prescription pills of Schedule II, when both the weight and the number of pills are known, the higher Offense Gravity Score assignment applies. (See § 303.15.)

(2) Violations of 35 P.S. § 780-113(a)(14) and (a)(30) involving fentanyl and its derivatives and analogues are based on the determination at trial that the offender knowingly possessed, delivered, distributed or manufactured a mixture or compound containing fentanyl or its derivatives or analogues.

(f) *Omnibus Offense Gravity Scores.* **[The Omnibus Offense Gravity Score is applied in the following circumstances:] The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:**

Felony 1	8
Felony 2	7
Felony 3	5
Felonies not subclassified by the General Assembly	5
Misdemeanor 1	3
Misdemeanor 2	2
Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1

The Omnibus Offense Gravity Score is applied in the following circumstances:

(1) when the offense is not otherwise listed in § 303.15 [, or];

(2) when the grade or statutory maximum sentence of an offense listed in § 303.15 has **[changed] increased**, unless application of this section would result in a lower Offense Gravity Score **[for an increased grading or statutory maximum sentence of the offense.]**; or

(3) When the grade or statutory maximum sentence of an offense listed in § 303.15 has decreased, unless application of this section would result in a higher Offense Gravity Score.

Where the definition of an offense listed in § 303.15 is changed, but the grade or statutory maximum sentence is not changed, the previously assigned offense gravity score shall apply.

[The Omnibus Offense Gravity Scores are provided below and in the listing at § 303.15:

Felony 1	8
Felony 2	7
Felony 3	5
Felonies not subclassified by the General Assembly	5
Misdemeanor 1	3
Misdemeanor 2	2
Misdemeanor 3	1
Misdemeanors not subclassified by the General Assembly	1]

(g) The Offense Gravity Score of 15 is assigned only for first and second degree murder **[when committed by offenders under age 18]**.

§ 303.4. Prior Record Score—categories.

(a) *Prior Record Score categories.* Determination of the correct Prior Record Score category under this section is based on the type and number of prior convictions (§ 303.5) and prior juvenile adjudications (§ 303.6). There are eight Prior Record Score categories: Repeat Violent Offender (REVOC), Repeat Felony 1 and Felony 2 Offender (RFEL), and point-based categories of 0, 1, 2, 3, 4 and 5.

(1) *Repeat Violent Offender Category (REVOC).* Offenders who have two or more previous convictions or adjudications for four point offenses (§ 303.7(a)(1) and § 303.15) and whose current conviction carries an Offense Gravity Score of 9 or higher shall be classified in the Repeat Violent Offender Category.

(2) *Repeat Felony 1 and Felony 2 Offender Category (RFEL).* Offenders who have previous convictions or adjudications for Felony 1 and/or Felony 2 offenses which total 6 or more points in the prior record, and who do not fall within the Repeat Violent Offender Category, shall be classified in the repeat Felony 1 and Felony 2 Offender Category.

(3) *Point-based Categories (0—5).* Offenders who do not fall into the REVOC or RFEL categories shall be classified in a Point-based Category. The Prior Record Score shall be the sum of the points accrued based on previous convictions or adjudications, up to a maximum of five points.

§ 303.5. Prior Record Score—prior convictions.

(a) If there is a single offense in the prior judicial proceeding, that offense shall be counted in the calculation of the Prior Record Score.

(b) If there are multiple offenses in the prior judicial proceeding:

(1) The most serious offense of the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(2) Any offense for which a sentence of supervision or confinement is imposed consecutive to a sentence for another offense in the judicial proceeding shall be counted in the calculation of the Prior Record Score.

(c) *Un-sentenced convictions.* If no sentence has yet to be imposed on an offense, the offense shall not be counted in the calculation of the Prior Record Score.

(d) *Adequacy of the Prior Record Score.* The court may consider at sentencing prior convictions, juvenile adjudications or dispositions not counted in the calculation of

the Prior Record Score, in addition to other factors deemed appropriate by the court.

§ 303.6. Prior Record Score—prior juvenile adjudications.

(a) *Juvenile adjudication criteria.* Prior juvenile adjudications are counted in the Prior Record Score when the following criteria are met:

(1) The juvenile offense occurred on or after the offender's 14th birthday, and

(2) There was an express finding by the juvenile court that the adjudication was for a felony or one of the [**Misdemeanor 1**] offenses listed in § 303.7(a)(4).

(b) Only the most serious juvenile adjudication of each prior disposition is counted in the Prior Record Score. No other prior juvenile adjudication shall be counted in the Prior Record Score.

(c) *Lapsing of juvenile adjudications.* Prior juvenile adjudications for four point offenses listed in § 303.7(a)(1) shall always be included in the Prior Record Score, provided the criteria in subsection (a) above are met:

(1) All other juvenile adjudications not identified above in subsection (a) lapse and shall not be counted in the Prior Record Score if:

(i) The offender was 28 years of age or older at the time the current offense was committed; and

(ii) The offender remained crime-free during the ten-year period immediately preceding the offender's 28th birthday.

(iii) *Crime-free.* Included in the definition of crime-free is any summary offense and/or one misdemeanor offense with a statutory maximum of one year or less.

(2) Nothing in this section shall prevent the court from considering lapsed prior adjudications at the time of sentencing.

§ 303.7. Prior Record Score—guideline points scoring.

(a) Scoring of prior convictions and adjudications is provided below and in the listing of offenses at § 303.15:

(1) *Four Point Offenses.* Four points are added for each prior conviction or adjudication for the following offenses:

Murder, and attempt, solicitation or conspiracy to commit Murder

All other completed crimes of violence, as defined in 42 Pa.C.S. § 9714(g), excluding inchoates.

Murder of Unborn Child, and attempt, solicitation or conspiracy to commit Murder of Unborn Child

Offenses with OGS 11 or greater, excluding inchoates and Violations of the Controlled Substance Act

Ethnic Intimidation to any Felony 1 offense

(2) *Three Point Offenses.* Three points are added for each prior conviction or adjudication for the following offenses:

All other Felony 1 offenses not listed in § 303.7(a)(1).

All other inchoates to offenses listed in § 303.7(a)(1).

Violation of 35 P.S. §§ 780-113(a)(12)(14) or (30) involving 50 grams or more, including inchoates involving 50 grams or more.

(3) *Two Point Offenses.* Two points are added for each prior conviction or adjudication for the following offenses:

All other Felony 2 offenses not listed in § 303.7(a)(1) or (a)(2).

All felony drug violations not listed in § 303.7(a)(2), including inchoates.

(4) *One Point Offenses.* One point is added for each prior conviction or adjudication for the following offenses:

All other felony offenses not listed in § 303.7(a)(1), (a)(2) or (a)(3).

Any of the following Misdemeanor 1 offenses that involve weapons:

Possessing Instruments of Crime (possession of a weapon)

Prohibited Offensive Weapons

Use or Possession of Electric or Electronic Incapacitation Device

Possession of Weapon on School Property

Possession of Firearm or Other Dangerous Weapon in Court Facility

Violations of the Pennsylvania Uniform Firearms Act

Any of the following Misdemeanor 1 offenses that involve death or danger to children:

Involuntary Manslaughter

Simple Assault (against child under 12 years of age by adult 18 years of age or older)

Luring a Child into a Vehicle

Indecent Assault (complainant is less than 13 years of age)

Indecent Exposure (persons present are less than age 16)

Endangering Welfare of Children

Dealing in Infant Children

Recruiting Criminal Gang Members

Driving Under the Influence of Alcohol or Controlled Substance, except for a first lifetime conviction or adjudication.

Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, except for a first lifetime conviction or adjudication.

(5) *Other Misdemeanor Offenses.* All other misdemeanor offenses, including a first lifetime conviction for Driving Under the Influence of Alcohol or a Controlled Substance or Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, are designated by an "m" in the offense listing at § 303.15, and are scored as follows:

(i) One point is added if the offender was previously convicted of two or three misdemeanors.

(ii) Two points are added if the offender was previously convicted of four to six misdemeanors.

(iii) Three points are added if the offender was previously convicted of seven or more misdemeanors.

§ 303.8. Prior Record Score—miscellaneous.

(a) *Prior convictions and adjudications of delinquency.*

(1) A prior conviction means "previously convicted" as defined in 42 Pa.C.S. § 2154(a)(2). A prior adjudication of delinquency means "previously adjudicated delinquent" as defined in 42 Pa.C.S. § 2154(a)(2). In order for an offense to be considered in the Prior Record Score, both the

commission of and conviction for the previous offense must occur before the commission of the current offense.

(2) When the prior conviction or adjudication of delinquency was committed over a range of dates, the later date shall be used to determine if the prior offense meets the criteria in 303.8(a)(1) and is counted in the prior record score.

(b) *Inchoate offenses.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for criminal attempt, criminal solicitation or criminal conspiracy is scored under § 303.7 based upon the grade of the inchoate offense.

(c) *Ethnic Intimidation.* Unless otherwise provided in § 303.7 or § 303.15, a prior conviction or adjudication of delinquency for Ethnic Intimidation is scored under § 303.7 based upon the grade of the Ethnic Intimidation.

(d) *Former Pennsylvania offenses.*

(1) A prior conviction or adjudication of delinquency under former Pennsylvania law is scored as a conviction for the current equivalent Pennsylvania offense.

(2) When there is no current equivalent Pennsylvania offense, prior convictions or adjudications of delinquency are scored under § 303.7 based on the grade of the offense. When a prior conviction or adjudication of delinquency was for a felony, but the grade of the felony is unknown, it shall be treated as a Felony 3. When a prior conviction was for a misdemeanor, but the grade of the misdemeanor is unknown, it shall be treated as other misdemeanors. When it cannot be determined if the prior conviction was a felony, one point misdemeanors, or other misdemeanors, it shall be treated as other misdemeanors. When a prior conviction is for a crime which has a summary grade, and the grade of the conviction is unknown, the prior conviction shall not be counted in the Prior Record Score.

(e) A prior conviction or adjudication of delinquency for an offense which was misgraded is scored as a conviction for the current equivalent Pennsylvania offense.

(f) *Out-of-state, federal or foreign offenses.*

(1) An out-of-state, federal or foreign conviction or adjudication of delinquency is scored as a conviction for the current equivalent Pennsylvania offense.

(2) A court-martial for a criminal offense under the Uniform Code of Military Justice is considered a federal conviction and is scored as a conviction for the current equivalent Pennsylvania offense. Non-judicial punishments or administrative actions (e.g., Article 15, Article 134) which are not convictions shall not be counted in the Prior Record Score.

(3) When there is no current equivalent Pennsylvania offense, determine the current equivalent Pennsylvania grade of the offense based on the maximum sentence permitted, and then apply § 303.8(d)(2).

(g) *Excluded offenses, charges and convictions.* The following types of offenses, charges and convictions shall not be scored in the Prior Record Score:

(1) Summary offenses, violations of local ordinances, direct or indirect contempt of court, violation of protection from abuse orders, and dispositions under Pa.R.Crim.P. Rules 300–320 (relating to accelerated rehabilitative disposition), 35 P.S. § 780-117 (relating to probation without verdict) or 35 P.S. § 780-118 (relating to disposition in lieu of trial or criminal punishment).

(2) A charge which is nolle prossed, dismissed, or on which a demurrer is sustained.

(3) Any prior conviction which contributed to an increase in the grade of a subsequent conviction, except for prior Driving Under the Influence of Alcohol or Controlled Substance convictions.

§ 303.9. Guideline sentence recommendation: general.

(a)(1) *Basic sentence recommendations.* Guideline sentence recommendations are based on the Offense Gravity Score and Prior Record Score. In most cases, the sentence recommendations are found in the Basic Sentencing Matrix (§ 303.16(a)). The Basic Sentencing Matrix specifies a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(2) Sentences for offenders under age 18 for murder, murder of unborn child, or murder of law enforcement officer. If an offender is under age 18 years at the time of the offense and the conviction occurred after June 24, 2012, the court has no authority to impose a sentence less than that required by the mandatory minimum provision established in statute and may impose a minimum sentence up to and including life (18 Pa.C.S. § 1102.1). If the court determines the convicted offender was under age 18 at the time of the offense and the conviction occurred after June 24, 2012, the court shall instead consider the Basic Sentencing Matrix for Offenders Under Age 18 Convicted of 1st or 2nd Degree Murder (§ 303.16(b)).

(b) *Deadly Weapon Enhancement sentence recommendations.* Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), if the court determines that an offender possessed a deadly weapon pursuant to § 303.10(a)(1), the court shall instead consider the DWE/Possessed Matrix (§ 303.17(a)). Except for those sentenced pursuant to 18 Pa.C.S. § 1102.1 (relating to sentence of persons under the age of 18 for murder, murder of an unborn child and murder of a law enforcement officer), if the court determines that an offender used a deadly weapon pursuant to § 303.10(a)(2), the court shall instead consider the DWE/Used Matrix (§ 303.17(b)). Both enhanced matrices specify a range of sentences (i.e.—standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(c) **[Youth/School] School/Youth Enhancement sentence recommendations.** If the court determines that an offender violated the drug act pursuant to § 303.10(b), the court shall consider the applicable matrix in 303.18, related to **[Youth,] School, Youth or [Youth and] School and Youth** Enhancements. When applying the **[Youth] School** Enhancement, 6 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. When applying the **[School] Youth** Enhancement, 12 months are added to the lower limit of the standard range and 24 months are added to the upper limit of the standard range. When the **[Youth and School] School and Youth** Enhancement is applied, 18 months are added to the bottom of the standard range and 36 months are added to the upper limit of the standard range. The range of sentences (i.e.—standard range) shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS).

(d) *Aggravated and mitigated sentence recommendations.* To determine the aggravated and mitigated sentence recommendations, apply § 303.13.

(e) *Numeric sentence recommendations.* All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) (partial confinement) and § 9756(b) (total confinement).

(f) *Alphabetic sentence recommendations.* RS in the sentence recommendation, an abbreviation for Restorative Sanctions, suggests use of the least restrictive, non-confinement sentencing alternatives described in 42 Pa.C.S. § 9753 (determination of guilt without further penalty), § 9754 (order of probation) and § 9758 (fine). 42 Pa.C.S. § 9721(c) (mandatory restitution) is also included in RS. No specific recommendations are provided for periods of supervision for these non-confinement sentencing alternatives. Recommendations related to fines and community service are found at § 303.14(a). RIP in the sentence recommendation, an abbreviation for Restrictive Intermediate Punishments, suggests use of Restrictive Intermediate Punishments pursuant to § 303.12(a)(4).

(g) When the guideline sentence recommendation exceeds that permitted by 18 Pa.C.S. § 1103 and § 1104 (relating to sentence of imprisonment for felony and misdemeanor) and 42 Pa.C.S. § 9755(b) and § 9756(b) (relating to sentence of partial and total confinement) or other applicable statute setting the maximum term of confinement, then the statutory limit is the longest guideline sentence recommendation. For the purposes of the guidelines, the statutory limit is the longest legal minimum sentence, which is one-half the maximum allowed by law.

(h) *Mandatory sentences.* The court has no authority to impose a sentence less than that required by a mandatory minimum provision established in statute. When the guideline range is lower than that required by a mandatory sentencing statute, the mandatory minimum requirement supersedes the sentence recommendation. When the sentence recommendation is higher than that required by a mandatory sentencing statute, the court shall consider the guideline sentence recommendation.

(i) *Mandatory sentences for which county intermediate punishment is authorized.* The court shall consider the sentence recommendations pursuant to this section (§ 303.9) for an offender convicted under 30 Pa.C.S. § 5502 (Operating Watercraft Under the Influence of Alcohol or a Controlled Substance), 75 Pa.C.S. § 1543(b) (Driving While Operating Privilege is Suspended or Revoked, Certain Offenses), 75 Pa.C.S. § 3802 (Driving Under the Influence of Alcohol or Controlled Substance) or 75 Pa.C.S. § 3808(a)(2) (Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock). The court may use a Qualified Restrictive Intermediate Punishment pursuant to § 303.12(a)(6) to satisfy the mandatory minimum requirement as provided by law.

(j) *Criminal Gang Enhancement sentence recommendations.* If the court determines that either a crime of violence as defined in 42 Pa.C.S. § 9714(g) or a violation of 35 P.S. § 780-113(a)(30) is committed in association with a criminal gang, the court shall instead consider the Criminal Gang Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Criminal Gang Enhancement adds 12 months to the lower limit and adds 12 months to the upper limit of the standard range.

(k) *Third Degree Murder of a Victim Younger than Age 13 Enhancement sentence recommendations.* If the court determines that the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the Third Degree Murder of a Victim Younger than Age 13 Enhancement. The enhancement specifies a range of sentences (i.e., standard range) that shall be considered by the court for each combination of Offense Gravity Score (OGS) and Prior Record Score (PRS). The Third Degree Murder of a Victim Younger than Age 13 Enhancement adds 24 months to the lower limit of the standard range and assigns the statutory limit as the upper limit of the standard range. The sentence imposed will be served consecutively to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(l) *Sexual Abuse of Children Enhancement sentence recommendations.* If the court determines that aggravating circumstances described in § 303.10(e) are present, the court shall instead consider the applicable Sexual Abuse of Children Enhancement related to number of images possessed by the offender or the nature and character of the abuse depicted:

(1) When applying enhancement based on the number of images possessed by the offender. If the offender possessed more than 50 images to 200 images, 6 months are added to the lower limit of the standard range and 6 months are added to the upper limit of the standard range. If the offender possessed more than 200 images to 500 images, 12 months are added to the lower limit of the standard range and 12 months are added to the upper limit of the standard range. If the offender possessed more than 500 images, 18 months are added to the lower limit of the standard range and 18 months are added to the upper limit of the standard range.

(2) When applying enhancement based on the nature and character of the abuse depicted. The Offense Gravity Score is one point higher than the assignments for 18 Pa.C.S. § 6312 (relating to sexual abuse of children) listed in § 303.15.

(3) When applying enhancement when both aggravating circumstances are present. The court shall consider the enhancement with the higher sentence recommendation.

(m) *Arson Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(f) are present, the court shall instead consider the Arson Enhancement. When the Arson Enhancement is applied, the Offense Gravity Score is one point higher than the assignments listed for 18 Pa.C.S. § 3301 (relating to arson) in § 303.15.

(n) *Human Trafficking Enhancement sentence recommendations.* If the court determines that one or more of the factors described in § 303.10(g) are present, the court shall instead consider the Human Trafficking Enhancement. When the Human Trafficking Enhancement is applied, the Offense Gravity Score assignments listed for 18 Pa.C.S. § 3011 (relating to trafficking in individuals) and § 3012 (relating to involuntary servitude) in § 303.15 are increased by one point for each additional factor listed. The points for each factor (§ 303.10(g)(1)—(4)) shall be cumulative, for a maximum of four points.

(o) Domestic Violence Enhancement sentence recommendations. **If the court determines that an offender committed an offense against a family or household member as described in § 303.10(h), the**

court shall instead consider the Domestic Violence Enhancement as described below.

(1) When the enhancement is applied, the Offense Gravity Score assignments listed in § 303.15 are increased by one point. If the court further determines that an offender knew the crime was witnessed, either through sight or sound, by a minor who is also a family or household member of the offender or the victim, the court shall consider ordering the offender to pay the costs or fees associated with the treatment of the minor for exposure to domestic violence.

(2) The following words and phrases when used in this section shall have the following meanings as defined in 23 Pa.C.S. § 6102:

(i) Family or household member—Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

(ii) Minor—An individual who is less than 18 years of age.

§ 303.10. Guideline sentence recommendations: enhancements.

(a) *Deadly Weapon Enhancement.*

(1) When the court determines that the offender possessed a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Possessed Matrix (§ 303.17(a)). An offender has possessed a deadly weapon if any of the following were on the offender's person or within his immediate physical control:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality designed as a weapon or capable of producing death or serious bodily injury where the court determines that the offender intended to use the weapon to threaten or injure another individual.

(2) When the court determines that the offender used a deadly weapon during the commission of the current conviction offense, the court shall consider the DWE/Used Matrix (§ 303.17(b)). An offender has used a deadly weapon if any of the following were employed by the offender in a way that threatened or injured another individual:

(i) Any firearm, (as defined in 42 Pa.C.S. § 9712) whether loaded or unloaded, or

(ii) Any dangerous weapon (as defined in 18 Pa.C.S. § 913), or

(iii) Any device, implement, or instrumentality capable of producing death or serious bodily injury.

(3) There shall be no Deadly Weapon Enhancement for the following offenses:

(i) Possessing Instruments of Crime

(ii) Prohibited Offensive Weapons

(iii) Possession of Weapon on School Property

(iv) Possession of Firearm or Other Dangerous Weapon in Court Facility

(v) Simple Assault (18 Pa.C.S. § 2701(a)(2))

(vi) Aggravated Assault (18 Pa.C.S. § 2702(a)(4))

(vii) Theft when property stolen is a firearm (18 Pa.C.S. Chapter 39)

(viii) Violations of the Pennsylvania Uniform Firearms Act

(ix) Any other offense for which possession of a deadly weapon is an element of the statutory definition

(x) If the Arson Enhancement under § 303.10(f)(1)(iii) is applied.

(4) The Deadly Weapon Enhancement shall apply to each conviction offense for which a deadly weapon is possessed or used.

(b) [*Youth/School*] *School/Youth Enhancement.*

(1) When the court determines that the offender distributed a controlled substance to a person or persons under the age of 18, the court shall consider the range of sentences described in § 303.9(c).

(2) When the court determines that the offender manufactured, delivered or possessed with intent to deliver a controlled substance within 250 feet of the real property on which is located a public or private elementary or secondary school, the court shall consider the sentence recommendations described in § 303.9(c).

(3) When the court determines both (b)(1) and (b)(2) apply, the court shall consider the sentence recommendations described in § 303.9(c).

(4) The [*Youth/School*] *School/Youth Enhancement* only applies to violations of 35 P.S. § 780-113(a)(14) and (a)(30).

(5) The [*Youth/School*] *School/Youth Enhancement* shall apply to each violation which meets the criteria above.

(c) *Criminal Gang Enhancement.*

(1) When the court determines that the offender committed a crime of violence as defined in 42 Pa.C.S. § 9714(g) in association with a criminal gang, the court shall instead consider the sentence recommendations described in § 303.9(j).

(2) When the court determines that the offender committed a violation of 35 P.S. § 780-113(a)(30) in association with a criminal gang, the court shall instead consider the sentence recommendations described in § 303.9(j).

(3) The Criminal Gang Enhancement shall apply to each violation which meets the criteria above.

(d) *Third Degree Murder of a Victim Younger than Age 13 Enhancement.*

(1) When the court determines the victim of murder in the third degree as defined in 18 Pa.C.S. § 2502(c) was less than 13 years of age at the time of the offense, the court shall instead consider the sentence recommendations described in § 303.9(k).

(2) Third Degree Murder of a Victim Younger than Age 13 Enhancement shall apply to each violation which meets the criteria above.

(3) The sentence imposed will be served consecutive to any other sentence the person is serving and to any other sentence imposed by the court (42 Pa.C.S. § 9711.1).

(e) *Sexual Abuse of Children Enhancement.*

(1) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the offender possessed more than 50 images, the court shall instead consider the sentence recommendations described in § 303.9(1)(1). For purposes of this enhancement, the number of images is defined as follows:

(i) Each photograph, picture, computer generated image, or any similar visual depiction shall be considered to be one image.

(ii) Each video, video-clip, movie, or similar visual depiction shall be considered to have 50 images.

(2) When the court determines that the offender violated 18 Pa.C.S. § 6312 (relating to sexual abuse of children) and that the abuse depicted in the images possessed by the offender were of a sexual or violent nature or character, the court shall instead consider the sentence recommendations described in § 303.9(1)(2). This enhancement shall apply to any image possessed by the offender which portrays or contains any of the following:

(i) the bondage of a child;

(ii) a dangerous weapon as defined in 18 Pa.C.S. § 913 used in a sexual context;

(iii) penetration or attempted penetration of a child; or

(iv) an act which would constitute a crime under 18 Pa.C.S. Chapter 25 (relating to criminal homicide), 18 Pa.C.S. Chapter 27 (relating to assault) or 18 Pa.C.S. Chapter 31 (relating to sexual offenses).

(3) Sexual Abuse of Children Enhancement shall apply to each violation which meets the criteria above.

(f) *Arson Enhancement.*

(1) When the court determines that one or more of the following factors relating to arson as defined in 18 Pa.C.S. § 3301 are present, the court shall instead consider the sentence recommendations described in § 303.9(m):

(i) more than three persons were present inside the property at the time of the offense;

(ii) the fire caused more than \$1,000,000 in property damage; or

(iii) the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting paramilitary training).

(2) Arson Enhancement shall apply to each violation which meets the criteria above.

(g) *Human Trafficking Enhancement.* When the court determines that the offender committed a violation of human trafficking as defined in 18 Pa.C.S. § 3011 (trafficking in individuals) or § 3012 (involuntary servitude) and any of the following factors were present and not otherwise included in the offense gravity score assignment in § 303.15, the court shall instead consider the sentence recommendations as described in § 303.9(n):

(1) the offender committed a violation involving sexual servitude;

(2) the victim was a minor less than 18 years of age;

(3) an additional point is added if the victim was a minor less than 13 years of age;

(4) in the course of committing a violation, the offender also violated one or more of the following offenses:

18 Pa.C.S. § 2901 (relating to kidnapping); or

18 Pa.C.S. § 3121 (relating to rape); or

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(h) Domestic Violence Enhancement. When the court determines that the offender committed an offense under Pa.C.S. Chapters 25, 27, 29, 30, 31, or 49 against a family or household member as defined in 23 Pa.C.S. § 6102, the court shall instead consider the sentence recommendation in § 303.9(o).

§ 303.11. Guideline sentence recommendation: sentencing levels.

(a) *Purpose of sentence.* In writing the sentencing guidelines, the Pennsylvania Commission on Sentencing strives to provide a benchmark for the judges of Pennsylvania. The sentencing guidelines provide sanctions proportionate to the severity of the crime and the severity of the offender's prior conviction record. This establishes a sentencing system with a primary focus on retribution, but one in which the recommendations allow for the fulfillment of other sentencing purposes including rehabilitation, deterrence, and incapacitation. To facilitate consideration of sentencing options consistent with the intent of the sentencing guidelines, the Commission has established five sentencing levels. Each level targets certain types of offenders, and describes ranges of sentencing options available to the court.

(b) *Sentencing levels.* The sentencing level is based on the standard range of the sentencing recommendation. Refer to § 303.9 to determine which sentence recommendation (i.e.—Basic, Deadly Weapon Enhancement or [Youth/School] School/Youth Enhancement) applies. When the individual or aggregate minimum sentence recommendation includes confinement in a county facility, county intermediate punishment should be considered in lieu of confinement for an eligible offender. When the individual or aggregate minimum sentence recommendation includes confinement in a state facility, county or state intermediate punishment should be considered in lieu of confinement for an eligible offender. The descriptions of the five sentencing levels are as follows:

(1) *Level 1*—Level 1 provides sentence recommendations for the least serious offenders with no more than one prior misdemeanor conviction, such that the standard range is limited to Restorative Sanctions (RS). The primary purpose of this level is to provide the minimal control necessary to fulfill court-ordered obligations. The following sentencing option is available:

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(2) *Level 2*—Level 2 provides sentence recommendations for generally non-violent offenders and those with numerous less serious prior convictions, such that the standard range requires a county sentence but permits both incarceration and non-confinement. The standard range is defined as having an upper limit of less than 12 months and a lower limit of Restorative Sanctions (RS). The primary purposes of this level are control over the offender and restitution to victims. Treatment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a county facility

Partial confinement in a county facility

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

Restorative Sanctions (§ 303.9(f)) (also see § 303.14(a)(4) for Fines/Community Service Guidelines)

(3) *Level 3*—Level 3 provides sentence recommendations for serious offenders and those with numerous prior convictions, such that the standard range requires incarceration or County Intermediate Punishment, but in all cases permits a county sentence. The standard range is defined as having a lower limit of incarceration of less than 12 months. Included in Level 3 are those offenses for which a mandatory minimum sentence of 12 months or less applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of this level are retribution and control over the offender. If eligible, treatment is recommended for drug dependent offenders in lieu of incarceration. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

(4) *Level 4*—Level 4 provides sentence recommendations for very serious offenders and those with numerous prior convictions, such that the standard range requires state incarceration but permits it to be served in a county facility pursuant to 42 Pa.C.S. § 9762(b). The standard range is defined as having a lower limit of incarceration of 12 months or greater but less than 30 months, but limited to offenses with an Offense Gravity Score of less than 9. Included in Level 4 are those offenses for which a mandatory minimum sentence of less than 30 months applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment and incapacitation. However, it is recognized that certain offenders at this level are permitted to serve a sentence of total confinement in a county facility, pursuant to 42 Pa.C.S. § 9762(b), and some non-violent offenders may benefit from drug and alcohol treatment. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

(5) *Level 5*—Level 5 provides sentence recommendations for the most violent offenders and those with major drug convictions, such that the conviction has an Offense Gravity Score of 9 or greater or the standard range requires state incarceration in a state facility. The standard range in such a case is defined as having a lower limit of 12 months or greater. Included in Level 5 are those offenses for which a mandatory minimum sentence of 30 months or greater applies and for which a state or county intermediate punishment sentence is authorized by statute. The primary purposes of the sentencing options at this level are punishment commensurate with the seriousness of the criminal behavior and incapacitation to protect the public. If eligible, state or county intermediate punishment is recommended for drug dependent offenders. The following sentencing options are available:

Total confinement in a state facility

Total confinement in a state facility, with participation in the State Motivational Boot Camp (see § 303.12(b) for eligibility criteria)

State Intermediate Punishment (see § 303.12(c) for eligibility criteria)

Total confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

Partial confinement in a county facility pursuant to 42 Pa.C.S. § 9762(b) or for DUI if the offender is subject to the extended supervision of the court pursuant to 75 Pa.C.S. § 3804(d)

County Intermediate Punishment (see § 303.12(a) for eligibility criteria)

§ 303.12. Guideline sentence recommendations: sentencing programs.

(a) *County intermediate punishment (CIP)*.

(1) *Eligibility*.

(i) The following regulations and statutes govern operation of and eligibility for county intermediate punishment programs:

37 Pa. Code § 451.1 et seq.

42 Pa.C.S. § 9763, § 9773 and Chapter 98

204 Pa. Code § 303.8 and § 303.9

(ii) Sentence recommendations which include an option of County Intermediate Punishment for certain offenders are designated in the guideline matrices.

(2) The county intermediate punishment plan provides a mechanism to advise the court of the extent and availability of services and programs authorized in the county. This plan includes information on the appropriate classification and use of county programs based on program-specific requirements.

(3) *County intermediate punishments classifications.* In order to incorporate county intermediate punishment programs into the sentencing levels, the Commission has classified county intermediate punishment programs as Restrictive Intermediate Punishments (RIP) and restorative sanction programs. Additionally, specific county intermediate punishment programs have been identified in legislation (42 Pa.C.S. §§ 9763(c) and 9804(b)) and regulation (37 Pa. Code § 451.52) as authorized sentences for convictions relating to Operating a Watercraft Under the Influence of Alcohol or a Controlled Substance, Driving While Operating Privilege is Suspended or Revoked, Driving Under the Influence of Alcohol or Controlled Substance and Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock; the Commission has classified these programs as Qualified Restrictive Intermediate Punishments.

(4) *Restrictive Intermediate Punishments (RIP).* Restrictive Intermediate Punishments are defined as programs that provide for strict supervision of the offender. The county intermediate punishment board is required to develop assessment and evaluation procedures to assure the appropriate targeting of offenders. All programs must meet the minimum standards provided in the Pennsylvania Commission on Crime and Delinquency regulations (37 Pa. Code Chapter 451) for county intermediate punishments.

(i) Restrictive Intermediate Punishments (RIP) either:

(A) house the offender full or part time; or

(B) significantly restrict the offender's movement and monitor the offender's compliance with the program(s); or

(C) involve a combination of programs that meet the standards set forth above.

(ii) An offender under consideration for Restrictive Intermediate Punishments at Level 4 or Level 3 shall have a diagnostic assessment of dependency on alcohol or other drugs conducted by one of the following: the Pennsylvania Department of Drug and Alcohol Programs or a designee; the county authority on drugs and alcohol or a designee; or clinical personnel of a facility licensed by the Department of Drug and Alcohol Programs.

(iii) An offender assessed to be dependent shall be evaluated for purposes of a treatment recommendation by one of the above listed assessors. The evaluation shall take into account the level of motivation of the offender. If sentenced to a Restrictive Intermediate Punishment, the sentence shall be consistent with the level of care and length of stay prescribed in the treatment recommendation, regardless of the standard range sentencing recommendation.

(iv) An offender assessed as not in need of drug or alcohol treatment may be placed in any approved Restrictive Intermediate Punishment program. Each day of participation in a Restrictive Intermediate Punishment program or combination of programs shall be considered the equivalent of one day of total confinement for guideline sentence recommendations.

(v) The court may impose a Qualified Restrictive Intermediate Punishment in lieu of incarceration for certain convictions under 75 Pa.C.S. § 3802 (relating to Driving Under the Influence of Alcohol or Controlled Substance).

(5) *Restorative sanction programs.* Restorative sanction programs are the least restrictive, non-confinement intermediate punishments. Restorative sanction programs are

generally used in conjunction with Restrictive Intermediate Punishments as the level of supervision is reduced, but may also be used as separate sanctions under any of the non-confinement sentencing alternatives provided in the statute (see § 303.9(f)).

(i) Restorative sanction programs:

(A) are the least restrictive in terms of constraint of offender's liberties;

(B) do not involve the housing of the offender (either full or part time); and

(C) focus on restoring the victim to pre-offense status.

(6) *Qualified Restrictive Intermediate Punishments.* In accordance with 42 Pa.C.S. §§ 9763(c), 9804(b) and 37 Pa. Code § 451, Qualified Restrictive Intermediate Punishment programs may be used to satisfy the mandatory minimum sentencing requirements of certain convictions under 30 Pa.C.S. § 5502(c.1) for a first, second or third offense under 30 Pa.C.S. § 5502, 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804 for a first, second or third offense under 75 Pa.C.S. Chapter 38, or 75 Pa.C.S. § 3808(a)(2) Illegally Operating a Motor Vehicle Not Equipped with Ignition Interlock.

(i) Unless otherwise provided in statute, Qualified Restrictive Intermediate Punishment programs include:

(A) if the offender is determined to be in need of drug and alcohol treatment, and receives a penalty imposed under 75 Pa.C.S. § 1543(b), former 75 Pa.C.S. § 3731, 75 Pa.C.S. § 3804, or 75 Pa.C.S. § 3808(a)(2) a sentence to county intermediate punishment shall include participation in drug and alcohol treatment under 75 Pa.C.S. § 3815(c), and may be combined with:

1. a residential inpatient program or residential rehabilitative center;

2. house arrest with electronic surveillance;

3. a partial confinement program such as work release, a work camp or a halfway facility; or

4. any combination of qualified Restrictive Intermediate Punishment programs.

(B) if the offender is determined not to be in need of drug and alcohol treatment, or if the defendant receives a penalty imposed under 30 Pa.C.S. § 5502(c.1), a sentence to county intermediate punishment may only include:

1. house arrest with electronic surveillance; or

2. partial confinement programs such as work release, a work camp or a halfway facility; or

3. any combination of Qualified Restrictive Intermediate Punishment programs.

(b) *State Motivational Boot Camp (BC).*

(1) *Eligibility.*

(i) The following statute governs operation of and eligibility for the State Motivational Boot Camp: 61 Pa.C.S. Chapter 39.

(ii) Sentence recommendations which include boot camp eligible offenders are designated by the letters BC in the cells of the Basic Sentencing Matrix (§ 303.16(a)).

(2) The court shall indicate on the offender's commitment order and the Guideline Sentence Form if the offender is authorized as eligible for the boot camp

program. The Department of Corrections makes the final determination as to whether the offender will be accepted into the boot camp program.

(c) *State Intermediate Punishment (SIP)*.

(1) *Eligibility*.

(i) The following statute governs operation of and eligibility for State Intermediate Punishment: 61 Pa.C.S. Chapter 41.

(ii) Any person convicted of a drug-related offense for which the sentence recommendation includes total confinement in a state facility may be considered for state intermediate punishment.

(2) The court may, upon motion of the Commonwealth, commit an offender to the custody of the Department of Corrections for the purpose of evaluating whether the offender would benefit from a drug offender treatment program and whether treatment in a drug offender treatment program is appropriate.

(3) Upon receipt of a recommendation for placement in a drug offender treatment program and an individualized treatment plan from the Department of Corrections, and agreement of the attorney for the Commonwealth, the court may sentence an eligible offender to a period of 24 months of state intermediate punishment.

(4) The court may impose a consecutive period of probation. The total duration of a sentence of state intermediate punishment and consecutive probation may not exceed the maximum term for which the eligible offender could otherwise be sentenced.

§ 303.13. Guideline sentence recommendations: aggravated and mitigated circumstances.

(a) When the court determines that an aggravating circumstance(s) is present, it may impose an aggravated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12 and 13 the court may impose a sentence that is up to 12 months longer than the upper limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months longer than the upper limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months longer than the upper limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months longer than the upper limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours longer than the upper limit of the standard range.

(5) When the standard range is Restorative Sanctions (RS), the aggravated sentence recommendation is RIP 3.

(b) When the court determines that a mitigating circumstance(s) is present, it may impose a mitigated sentence as follows:

(1) For the Offense Gravity Scores of 9, 10, 11, 12, 13, and 14 the court may impose a sentence that is up to 12 months shorter than the lower limit of the standard range.

(2) For the Offense Gravity Score of 8, the court may impose a sentence that is up to 9 months shorter than the lower limit of the standard range.

(3) For the Offense Gravity Scores of 6 and 7, the court may impose a sentence that is up to 6 months shorter than the lower limit of the standard range.

(4) For the Offense Gravity Scores of 1, 2, 3, 4, and 5, the court may impose a sentence that is up to 3 months shorter than the lower limit of the standard range. When imposing a fine or community service pursuant to § 303.14(a)(4), the court may impose a sentence that is up to 25 hours shorter than the lower limit of the standard range.

(5) When the bottom of the standard range is less than or equal to 3 months of incarceration, the lower limit of the mitigated sentence recommendation is Restorative Sanctions (RS).

(6) In no case where a Deadly Weapon Enhancement is applied may the mitigated sentence recommendation be lower than 3 months.

(7) In no case where the [**Youth/School**] **School/Youth** Enhancement is applied may the mitigated sentence recommendation be lower than 6 months for the [**Youth**] **School** Enhancement, 12 months for the [**School**] **Youth** Enhancement, and 18 months for the [**Youth and School**] **School and Youth** Enhancement.

(8) In no case where the Criminal Gang Enhancement is applied may the mitigated sentence recommendation be lower than 12 months.

(9) In no case where the Third Degree Murder of a Victim Younger than Age 13 Enhancement is applied may the mitigated sentence recommendation be lower than 96 months.

(10) In no case shall a mitigated sentence for offenders under age 18 for murder of the first or second degree, murder of unborn child of the first or second degree, or murder of law enforcement officer of the first or second degree be less than the mandatory minimum established in statute (18 Pa.C.S. § 1102.1).

(11) In no case where the Sexual Abuse of Children Enhancement involving number of images is applied may the mitigated sentence recommendation be lower than 6 months for possession of greater than 50 to 200 images, be lower than 12 months for possession of greater than 200 to 500 images, and be lower than 18 months for greater than 500 images.

(c) When the court imposes an aggravated or mitigated sentence, it shall state the reasons on the record and on the Guideline Sentence Form, a copy of which is electronically transmitted to the Commission on Sentencing in the manner described in § 303.1(e).

§ 303.14. Guideline sentence recommendations—economic sanctions.

(a) *Fines*.

(1) Fines may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

(i) 18 Pa.C.S. § 1101 (relating to fines)

(ii) 35 P.S. § 780-113(b)—(o) (relating to controlled substances)

(iii) 42 Pa.C.S. § 9726 (relating to fine as a sentence)

(iv) 42 Pa.C.S. § 9758 (relating to imposition of a fine)

(v) 75 Pa.C.S. § 3804 (relating to fines for DUI)

(2) A fine, within the limits established by law, shall be considered by the court when the offender is convicted of 35 P.S. § 780-113(a)(12), (14) or (30), and the drug involved is any of the following: a controlled substance or counterfeit substance classified in Schedule I or II and which is a narcotic; phencyclidine, methamphetamine, or cocaine, including the isomers, salts, compounds, salts of isomers, or derivatives of phencyclidine, methamphetamine, or cocaine; or is in excess of one thousand pounds of marijuana. Such fine shall be of an amount that is at least sufficient to exhaust the assets utilized in, and the proceeds obtained by the offender from, the illegal possession, manufacture, or distribution of controlled substances. Such fine shall not include assets concerning which the attorney for the Commonwealth has filed a forfeiture petition or concerning which he has given notice to the court of his intent to file a forfeiture petition.

(3) Fines may be utilized as part of a county intermediate punishment sentence or as a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

(4) *Fines/Community Service Guidelines.* The following guidelines shall be considered by the court when ordering fines or community service as a Restorative Sanction without confinement. Community service, when ordered, is imposed as a condition of probation. A fine, when ordered, is imposed as a non-confinement sentencing alternative or as a condition of probation. The fines guidelines are determined by multiplying the number of hours recommended by the offender's hourly wage or the current minimum wage, whichever is higher, but may not exceed the statutory maximum fine authorized by law

(A) *OGS 1*

- i. PRS 0 25 hours-50 hours
- ii. PRS 1 50 hours-75 hours
- iii. PRS 2 75 hours-100 hours
- iv. PRS 3 100 hours-125 hours
- v. PRS 4 125 hours-150 hours
- vi. PRS 5 150 hours-175 hours

(B) *OGS 2*

- i. PRS 0 25 hours-50 hours
- ii. PRS 1 75 hours-100 hours
- iii. PRS 2 100 hours-125 hours
- iv. PRS 3 125 hours-150 hours
- v. PRS 4 150 hours-175 hours

(C) *OGS 3*

- i. PRS 0 50 hours-75 hours
- ii. PRS 1 150 hours-175 hours
- iii. PRS 2 225 hours-250 hours
- iv. PRS 3 300 hours-325 hours

(D) *OGS 4*

- i. PRS 0 100 hours-125 hours
- ii. PRS 1 225 hours-250 hours
- iii. PRS 2 300 hours-325 hours

(E) *OGS 5*

- i. PRS 0 225 hours-250 hours

(b) *Costs and fees.*

(1) Costs and fees shall be added to any guideline sentence, as required by law. Relevant statutes include but are not limited to:

- (i) 18 P.S. § 11.1101 (relating to Crime Victim's Compensation Fund costs)
- (ii) 18 P.S. § 11.1102 (relating to costs of offender supervision programs)
- (iii) 42 Pa.C.S. § 1725.3 (relating to criminal laboratory user fees)
- (iv) 42 Pa.C.S. § 9721(c.1) (relating to mandatory payment of costs)
- (v) 42 Pa.C.S. § 9728(b.2) (relating to mandatory payment of costs)

(2) Costs and fees, in addition to those required by law, may be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1109 (relating to costs of any reward)
- (ii) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges)
- (iii) 42 Pa.C.S. § 1725.1 (relating to costs)
- (iv) 42 Pa.C.S. § 1725.2 (relating to assumption of summary conviction costs by county)
- (v) 42 Pa.C.S. § 1726.1 (relating to forensic exam costs for sexual offenses)
- (vi) 42 Pa.C.S. § 1726.2 (relating to criminal prosecution involving domestic violence)
- (vii) 42 Pa.C.S. § 9728(g) (relating to costs, etc.)

(3) Costs and fees, in addition to those required by law, shall be considered by the court pursuant to the Domestic Violence Enhancement (§ 303.9(o)), as authorized by law.

(c) *Restitution*

(1) Restitution shall be added to any guideline sentence, as authorized by law. Relevant statutes include but are not limited to:

- (i) 18 Pa.C.S. § 1106 (relating to injuries to person or property)
- (ii) 18 Pa.C.S. § 1107 (relating to theft of timber)
- (iii) 18 Pa.C.S. § 1107.1 (relating to restitution for identity theft)
- (iv) 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories)
- (v) 18 P.S. § 11.1302 (relating to restitution to the Office of Victim Services)
- (vi) 42 Pa.C.S. § 9721(c) (relating to mandatory restitution)

(2) Restitution may be imposed as a direct sentence or as a condition of probation or intermediate punishment, and is considered a non-confinement sentencing alternative (see restorative sanction § 303.9(f)).

§ 303.15. Offense Listing.

CRIMES CODE OFFENSES

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
901	Criminal attempt (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
902	Criminal solicitation (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
903	Criminal conspiracy (Inchoate)	18 Pa.C.S. § 905	See § 303.3(c)	See § 303.8(b)
907(a)	Possessing instruments of crime (criminal instruments)	M-1	3	m
907(b)	Possessing instruments of crime (weapon)	M-1	4	1
907(c)	Possessing instruments of crime (unlawful body armor)	F-3	5	1
908(a)	Prohibited offensive weapons	M-1	4	1
908.1(a)(1)	Use electric incapacitation device (intent to commit felony)	F-2	8	2
908.1(a)(1)	Use electric incapacitation device (no intent to commit felony)	M-1	5	1
908.1(a)(2)	Possess electric incapacitation device (intent to commit felony)	F-2	7	2
908.1(a)(2)	Possess electric incapacitation device (no intent to commit felony)	M-1	4	1
909(a)	Manufacture/etc.-master key for motor vehicle	M-1	3	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (>50 devices)	F-2	8	2
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (1st off)	M-1	4	m
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (2nd off)	F-3	6	1
910(a)(1)(i)	Manufacture/etc.-device for theft of telecommunications (3rd/subsq off)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (>50 devices)	F-2	8	2
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (10-50 devices)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (1st off)	M-1	4	m
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (2nd off)	F-3	6	1
910(a)(1)(ii)	Manufacture/etc.-device to conceal telecommunications (3rd/subsq off)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (2nd off)	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
910(a)(2)(i)	Sell/etc. unlawful telecommunications device (3rd/subsq off)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (>50 devices)	F-2	8	2
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (10-50 devices)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (1st off)	M-1	4	m
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (2nd off)	F-3	6	1
910(a)(2)(ii)	Sell/etc. material for unlawful telecommunications device (3rd/subsq)	F-2	8	2
911(b)(1)	Corrupt organizations	F-1	8	3
911(b)(2)	Corrupt organizations-interest in/control of enterprise	F-1	8	3
911(b)(3)	Corrupt organizations-employee participation	F-1	8	3
911(b)(4)	Corrupt organizations-conspire	F-1	8	3
912(b)	Possession of weapon on school property	M-1	4	1
913(a)(1)	Possession of weapon in court facility	M-3	1	m
913(a)(2)	Possession of weapon in court facility (intend for crime)	M-1	3	1
2102(a)(1)	Desecration of flag (marks or writing)	M-3	1	m
2102(a)(2)	Desecration of flag (public view of defiled flag)	M-3	1	m
2102(a)(3)	Desecration of flag (manufactures for advertisement)	M-3	1	m
2102(a)(4)	Desecration of flag (defile/mutilate)	M-3	1	m
2103	Insults to national or Commonwealth flag	M-2	2	m
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (SBI)	18 Pa.C.S. § 1102(c)	14	4
2502 Inchoate	—Attempt/solicitation/conspiracy to Murder (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2502(a)	Murder-1st degree	Murder of 1st Degree	[18 Pa.C.S. § 1102(a)] 15	4
2502(a)	Murder-1st degree (offender 15-<18 yrs)	Murder of 1st Degree	15	4
2502(a)	Murder-1st degree (offender <15 yrs)	Murder of 1st Degree	15	4
2502(b)	Murder-2nd degree	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
2502(b)	Murder-2nd degree (offender 15-<18 yrs)	Murder of 2nd Degree	15	4
2502(b)	Murder-2nd degree (offender <15 yrs)	Murder of 2nd Degree	15	4
2502(c)	Murder-3rd degree	F-1	14	4
2502(c)	Murder-3rd degree (victim <13 yrs)	F-1	14	4
2503(a)(1)	Voluntary manslaughter (provocation from victim)	F-1	11	4
2503(a)(2)	Voluntary manslaughter (provocation from another)	F-1	11	4
2503(b)	Voluntary manslaughter (believe justified)	F-1	11	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2504(a)	Involuntary manslaughter (victim <12 yrs)	F-2	8	2
2504(a)*	Involuntary manslaughter (with DUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter (with BUI conviction)	M-1	8	1
2504(a)*	Involuntary manslaughter	M-1	6	1
2505(a)	Suicide, causing (as homicide/murder 1)	Murder of 1st Degree	[18 Pa.C.S. § 1102(a)] 15	4
2505(a)	Suicide, causing (as homicide/murder 2)	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
2505(a)	Suicide, causing (as homicide/murder 3)	F-1	14	4
2505(a)	Suicide, causing (as homicide/vol manslaughter)	F-1	11	4
2505(a)	Suicide, causing (as homicide/invol. manslaughter)	M-1	6	1
2505(a)	Suicide, causing (as homicide/invol. manslaughter-victim <12 yrs)	F-2	8	2
2505(a)	Suicide, causing (as homicide/invol. manslaughter-w/ DUI or BUI conv)	M-1	8	1
2505(b)	Suicide, aiding or soliciting (positive result)	F-2	6	2
2505(b)	Suicide, aiding or soliciting (no result)	M-2	2	m
2506(a)	Drug delivery resulting in death	F-1	13	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (SBI)	18 Pa.C.S. § 1102(c)	14	4
2507 Inchoate	—Attempt/solicitation/conspiracy to Murder of law enforcement officer (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2507(a)	Murder of law enforcement officer-1st degree	Murder of 1st Degree	[18 Pa.C.S. § 1102(a)] 15	4
2507(a)	Murder of law enforcement officer-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2507(a)	Murder of law enforcement officer-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
2507(b)	Murder of law enforcement officer-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2507(b)	Murder of law enforcement officer-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2507(c)(1)(i)	Manslaughter of law enforcement officer (1st degree/provocation by victim)	F-1	14	4
2507(c)(1)(ii)	Manslaughter of law enforcement officer (1st degree/provocation by another)	F-1	14	4
2507(c)(2)	Manslaughter of law enforcement officer (1st degree/believe justified)	F-1	14	4
2507(d)	Manslaughter of law enforcement officer (2nd degree)	F-2	9	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (SBI)	18 Pa.C.S. § 1102(c)	14	4
2604 Inchoate	—Attempt/solicitation/conspiracy to Murder of unborn child (No SBI)	18 Pa.C.S. § 1102(c)	13	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2604(a)(1)	Murder of unborn child-1st degree	Murder of 1st Degree	[18 Pa.C.S. § 1102(a)] 15	4
2604(a)(1)	Murder of unborn child-1st degree (offender 15-<18 yrs.)	Murder of 1st Degree	15	4
2604(a)(1)	Murder of unborn child-1st degree (offender <15 yrs.)	Murder of 1st Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender 15-<18 yrs.)	Murder of 2nd Degree	15	4
2604(b)(1)	Murder of unborn child-2nd degree (offender <15 yrs.)	Murder of 2nd Degree	15	4
2604(c)(1)	Murder of unborn child-3rd degree	F-1	14	4
2605(a)(1)	Voluntary manslaughter of unborn child (provocation from mother)	F-1	11	4
2605(a)(2)	Voluntary manslaughter of unborn child (provocation from another)	F-1	11	4
2605(b)	Voluntary manslaughter of unborn child (believe justified)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (causes SBI)	F-1	11	4
2606(a)*	Aggravated assault of unborn child (attempts to cause SBI)	F-1	10	3
2701(a)(1)	Simple assault-attempt/cause BI	M-2	3	m
2701(a)(1)	Simple assault-attempt/cause BI (against child <12 by adult >=18)	M-1	4	1
2701(a)(1)	Simple assault-attempt/cause BI (mutual consent)	M-3	1	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon	M-2	3	m
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (against child <12 by adult >=18)	M-1	4	1
2701(a)(2)	Simple assault-cause BI w/ deadly weapon (mutual consent)	M-3	1	m
2701(a)(3)	Simple assault-cause fear of SBI	M-2	3	m
2701(a)(3)	Simple assault-cause fear of SBI (against child <12 by adult >=18)	M-1	4	1
2701(a)(3)	Simple assault-cause fear of SBI (mutual consent)	M-3	1	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle	M-2	3	m
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (against child <12 by adult >=18)	M-1	4	1
2701(a)(4)	Simple assault-penetrate w/ hypodermic needle (mutual consent)	M-3	1	m
2702(a)(1)*	Aggravated assault-cause SBI	F-1	11	4
2702(a)(1)*	Aggravated assault-attempt SBI	F-1	10	3
2702(a)(2)*	Aggravated assault-cause SBI to police/enumerated persons	F-1	11	4
2702(a)(2)*	Aggravated assault-attempt SBI to police/enumerated persons	F-1	10	3
2702(a)(3)	Aggravated assault-attempt/cause BI to police/enumerated persons	F-2	6	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2702(a)(4)	Aggravated assault-attempt/cause BI w/ deadly weapon	F-2	8	2
2702(a)(5)	Aggravated assault-attempt/cause BI to teacher, etc	F-2	6	2
2702(a)(6)	Aggravated assault-cause fear of SBI	F-2	6	2
2702(a)(7)	Aggravated assault-use tear gas/electronic device ag. police, etc.	F-2	6	2
2702(a)(8)	Aggravated assault-attempt/cause BI (against child <6 by person >=18)	F-2	7	2
2702(a)(9)*	Aggravated assault-cause SBI (against child <13 by person >=18)	F-1	12	4
2702(a)(9)*	Aggravated assault-attempt SBI (against child <13 by person >=18)	F-1	11	4
2702.1(a)	Assault of law enforcement officer-discharge firearm (1st degree)	F-1	13	4
2703(a)	Assault by prisoner	F-2	7	2
2703.1	Aggravated harassment by prisoner	F-3	6	1
2704	Assault by life prisoner	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] <u>15</u>	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (SBI)	18 Pa.C.S. § 1102(c)	14	4
2704 Inchoate	—Attempt/solicitation/conspiracy to assault by life prisoner (No SBI)	18 Pa.C.S. § 1102(c)	13	4
2705	Recklessly endangering another person	M-2	3	m
2706(a)(1)	Terroristic threats-intent to terrorize	M-1	3	m
2706(a)(1)	Terroristic threats-intent to terrorize/divert from activities	F-3	5	1
2706(a)(2)	Terroristic threats-cause evacuation of building	M-1	3	m
2706(a)(2)	Terroristic threats-cause evacuation of building/divert from activities	F-3	5	1
2706(a)(3)	Terroristic threats-serious public inconvenience	M-1	3	m
2706(a)(3)	Terroristic threats-serious public inconvenience/divert from activities	F-3	5	1
2707(a)	Propulsion of missiles into an occupied vehicle	M-1	3	m
2707(b)	Propulsion of missiles onto a roadway	M-2	2	m
2707.1(a)	Discharge of firearm into an occupied structure	F-3	10	1
2708(a)	Use of tear gas in labor dispute	M-1	3	m
2709(a)(1)	Harassment-subject other physical contact (prev. violation of order)	M-3	1	m
2709(a)(2)	Harassment-follow in public place (prev. violation of order)	M-3	1	m
2709(a)(3)	Harassment-course of conduct w/ no legitimate purpose (prev. violation of order)	M-3	1	m
2709(a)(4)	Harassment-lewd communication	M-3	1	m
2709(a)(5)	Harassment-repeated, anonymous communication	M-3	1	m
2709(a)(6)	Harassment-repeated communication: inconvenient hours	M-3	1	m
2709(a)(7)	Harassment-repeated communication: other	M-3	1	m
2709(a.1)(1)(i)	Cyber harassment of a child; seriously disparaging statements or opinion (course of conduct)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2709(a.1)(1)(ii)	Cyber harassment of a child; threat to inflict harm (course of conduct)	M-3	1	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(1)	Stalking-repeated acts to cause fear of BI (prior crime of violence)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (1st off)	M-1	4	m
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (2nd/subsq off)	F-3	6	1
2709.1(a)(2)	Stalking-course of conduct to cause fear of BI (prior crime of violence)	F-3	6	1
2710	Ethnic Intimidation	18 Pa.C.S. § 2710(b)	See § 303.3(d)	See § 303.8(c)
2712(a)	Assault-sports official	M-1	3	m
<u>2713(a)(1)</u>	<u>Neglect of care-dependent person-no treatment (cause death)</u>	<u>F-1</u>	<u>11</u>	<u>3</u>
2713(a)(1)	Neglect of care-dependent person-no treatment (cause SBI)	F-1	10	3
2713(a)(1)	Neglect of care-dependent person-no treatment (cause BI)	M-1	4	m
<u>2713(a)(2)</u>	<u>Neglect of care-dependent person-physical/chemical restraint (cause death)</u>	<u>F-1</u>	<u>11</u>	<u>3</u>
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause SBI)	F-1	10	3
2713(a)(2)	Neglect of care-dependent person-physical/chemical restraint (cause BI)	M-1	4	m
<u>2713(a)(3)</u>	<u>Neglect of care-dependent person-fails to provide treatment, care, goods, etc. (course of conduct)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>2713(a)(3)</u>	<u>Neglect of care-dependent person-fails to provide treatment, care, goods, etc.</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>2713.1(a)(1)(i)</u>	<u>Abuse of care-dependent person-intent to harass, etc. (strike, shove kick)</u>	<u>M-1</u>	<u>4</u>	<u>m</u>
<u>2713.1(a)(1)(ii)</u>	<u>Abuse of care-dependent person-intent to harass, etc. (course of conduct)</u>	<u>M-1</u>	<u>4</u>	<u>m</u>
<u>2713.1(a)(1)(iii)</u>	<u>Abuse of care-dependent person-intent to harass, etc. (communications-type)</u>	<u>M-1</u>	<u>3</u>	<u>m</u>
<u>2713.1(a)(1)(iv)</u>	<u>Abuse of care-dependent person-intent to harass, etc. (communicate-extremely inconvenient hours)</u>	<u>M-1</u>	<u>3</u>	<u>m</u>
<u>2713.1(a)(2)</u>	<u>Abuse of care-dependent person-offense under 18 § 2709.1 (related to stalking)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
2714	Unauthorized administration of intoxicant	F-3	8	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge	M-1	3	m
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (divert from activities)	F-3	5	1
2715(a)(3)	Threat to use weapons of mass destruction-reports w/o knowledge (during emergency)	F-2	7	2
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (divert from activities)	F-3	7	1
2715(a)(4)	Threat to use weapons of mass destruction-threaten placement (during emergency)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (1st off)	F-2	7	2
2716(a)	Weapons of mass destruction-possession (2nd/subsq off)	F-1	11	4
2716(b)(1)	Weapons of mass destruction-use (cause death)	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
2716(b)(1)	Weapons of mass destruction-use (cause injury/illness)	F-1	13	4
2716(b)(2)	Weapons of mass destruction-use (cause damage/disrupt water/food)	F-1	13	4
2716(b)(3)	Weapons of mass destruction-use (cause evacuation of building etc.)	F-1	13	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(1)	Terrorism-intim/coerce population (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is F-1)	F-1	one point higher than object offense	4
2717(a)(2)	Terrorism-influence govt (where violent offense is F-2)	F-1	one point higher than object offense	3
2717(a)(2)	Terrorism-influence govt (where violent offense is F-3 or ungraded felony)	F-2	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-1)	F-3	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-2)	M-1	one point higher than object offense	See § 303.7(a)
2717(a)(2)	Terrorism-influence govt (where violent offense is M-3)	M-2	one point higher than object offense	See § 303.7(a)
2718(a)(1)	Strangulation-applying pressure to throat or neck	M-2	3	m
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-2	9	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2718(a)(1)	Strangulation-applying pressure to throat or neck	F-1	10	3
2718(a)(2)	Strangulation-blocking nose and mouth	M-2	3	m
2718(a)(2)	Strangulation-blocking nose and mouth	F-2	9	2
2718(a)(2)	Strangulation-blocking nose and mouth	F-1	10	3
2802(a)(1)	Hazing a minor or student-violate federal or state criminal law (reasonable likelihood of BI)	M-3	1	m
2802(a)(2)	Hazing a minor or student-consume food, liquid, alcohol, drug, etc. (reasonable likelihood of BI)	M-3	1	m
2802(a)(3)	Hazing a minor or student-endure brutality of physical nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(4)	Hazing a minor or student-endure brutality of mental nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(5)	Hazing a minor or student-endure brutality of sexual nature (reasonable likelihood of BI)	M-3	2	m
2802(a)(6)	Hazing a minor or student-endure other activity (reasonable likelihood of BI)	M-3	1	m
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (SBI)	F-3	5	1
2803(a)(1)*	Aggravated hazing a minor or student-reckless indifference (death)	F-3	7	1
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (SBI)	F-3	5	1
2803(a)(2)*	Aggravated hazing a minor or student-causes, coerces or forces consumption of alcohol or drug (death)	F-3	7	1
2901(a)(1)	Kidnapping-for ransom (victim >=18 yrs)	F-1	10	4
2901(a)(2)	Kidnapping-to facilitate a felony (victim >=18 yrs)	F-1	10	4
2901(a)(3)	Kidnapping-to inflict terror, BI (victim >=18 yrs)	F-1	10	4
2901(a)(4)	Kidnapping-to interfere w/ performance of pub. official (victim >=18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(1)*	Kidnapping-minor, for ransom/etc. (victim <14 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(2)*	Kidnapping-minor, to facilitate felony (victim <14 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(3)*	Kidnapping-minor, to inflict terror, BI (victim <14 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim 14-<18 yrs)	F-1	10	4
2901(a.1)(4)*	Kidnapping-minor, to interfere w/ pub. official (victim <14 yrs)	F-1	10	4
2902(a)(1)	Unlawful restraint-risk SBI	M-1	3	m
2902(a)(2)	Unlawful restraint-involuntary servitude	M-1	3	m
2902(b)(1)	Unlawful restraint-risk SBI (victim <18 yrs)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
2902(b)(2)	Unlawful restraint-involuntary servitude (victim <18 yrs)	F-2	8	2
2902(c)(1)	Unlawful restraint by parent-risk SBI (victim <18 yrs)	F-2	8	2
2902(c)(2)	Unlawful restraint by parent-involuntary servitude (victim <18 yrs)	F-2	8	2
2903(a)	False imprisonment (victim >=18 yrs)	M-2	2	m
2903(b)	False imprisonment (victim <18 yrs)	F-2	8	2
2903(c)	False imprisonment by parent (victim<18 yrs)	F-2	7	2
2904(a)	Interfere with custody of children	F-3	6	1
2904(a)*	Interfere with custody of children-good cause/time <24 hrs.	M-2	3	m
2904(a)*	Interfere with custody of children-good cause/time <24 hrs. (ML Tier I)	M-2	3	m
2904(a)	Interfere with custody of children-w/ reckless disregard	F-2	8	2
2905(a)	Interfere with custody of committed person	M-2	4	m
2906(a)(1)	Criminal coercion-threat to commit crime	M-2	2	m
2906(a)(1)	Criminal coercion-threat to commit crime (felony)	M-1	3	m
2906(a)(2)	Criminal coercion-threat to accuse of crime	M-2	2	m
2906(a)(2)	Criminal coercion-threat to accuse of crime (felony)	M-1	3	m
2906(a)(3)	Criminal coercion-threat to expose secret	M-2	2	m
2906(a)(3)	Criminal coercion-threat to expose secret (felony)	M-1	3	m
2906(a)(4)	Criminal coercion-threaten official act	M-2	2	m
2906(a)(4)	Criminal coercion-threaten official act (felony)	M-1	3	m
2907	Disposition of ransom	F-3	5	1
2909(b)(1)	Concealment of whereabouts of a child-in Commonwealth	F-3	4	1
2909(b)(2)	Concealment of whereabouts of a child-parents in Commonwealth	F-3	4	1
2910(a)	Luring child into motor vehicle/structure	M-1	5	1
2910	Luring a child into motor vehicle/structure (child <13 yrs)	F-2	8	2
3011(a)(1)	Human trafficking-trafficking in individuals (recruits, entices, solicits, harbors, etc.)	F-2	9	2
3011(a)(2)	Human trafficking-trafficking in individuals (knowingly benefits financially)	F-2	9	2
3011(b)	Human trafficking-trafficking in minors (activities in (a) result in minor's sexual servitude)	F-1	12	4
3012(b)(1)*	Human trafficking-involuntary servitude (cause serious harm)	F-1	10	3
3012(b)(1)*	Human trafficking-involuntary servitude (threaten serious harm)	F-1	9	3
3012(b)(2)*	Human trafficking-involuntary servitude (physically restrain another)	F-1	10	3
3012(b)(2)*	Human trafficking-involuntary servitude (threaten to physically restrain another)	F-1	9	3
3012(b)(3)*	Human trafficking-involuntary servitude (kidnap)	F-1	11	4
3012(b)(3)*	Human trafficking-involuntary servitude (attempt to kidnap)	F-1	10	3

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3012(b)(4)*	Human trafficking-involuntary servitude (abuse legal process)	F-1	10	3
3012(b)(4)*	Human trafficking-involuntary servitude (threaten to abuse legal process)	F-1	9	3
3012(b)(5)	Human trafficking-involuntary servitude (taking/retaining personal property)	F-1	10	3
3012(b)(6)	Human trafficking-involuntary servitude (unlawful conduct of documents)	F-1	10	3
3012(b)(7)	Human trafficking-involuntary servitude (extortion)	F-1	10	3
3012(b)(8)	Human trafficking-involuntary servitude (fraud)	F-1	10	3
3012(b)(9)	Human trafficking-involuntary servitude (criminal coercion)	F-1	10	3
3012(b)(10)*	Human trafficking-involuntary servitude (duress through force)	F-1	10	3
3012(b)(10)*	Human trafficking-involuntary servitude (duress through threat of force)	F-1	9	3
3012(b)(11)	Human trafficking-involuntary servitude (debt coercion)	F-1	10	3
3012(b)(12)	Human trafficking-involuntary servitude (facilitate/restrict access to controlled substance)	F-1	10	3
3012(b)(13)	Human trafficking-involuntary servitude (cause believe harm/restraint to another)	F-1	10	3
3013(a)	Human trafficking-patronizing victim of sexual servitude	F-2	10	2
3014(1)	Human trafficking-unlawful conduct regarding documents (passport/other immigration document)	F-3	6	1
3014(2)	Human trafficking-unlawful conduct regarding documents (government ID document)	F-3	6	1
3015(a)(1)	Human trafficking-nonpayment of wages (<\$2,000)	M-3	2	m
3015(a)(2)(i)	Human trafficking-nonpayment of wages (=>\$2,000)	F-3	6	1
3015(a)(2)(ii)	Human trafficking-nonpayment of wages (2nd/subsq. violation)	F-3	6	1
3015(a)(2)(iii)	Human trafficking-nonpayment of wages (falsely denies amount due or validity of claim)	F-3	6	1
3016	Human trafficking-obstruction of justice; interfere with enforcement of chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30	Same as corresponding offense under 18 Pa.C.S. Chapter 30
3121(a)(1)	Rape-forcible compulsion	F-1	12	4
3121(a)(1)	Rape-forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(2)	Rape-threat of forcible compulsion	F-1	12	4
3121(a)(2)	Rape-threat of forcible compulsion (uses substance to impair)	F-1	13	4
3121(a)(3)	Rape-unconscious victim	F-1	12	4
3121(a)(3)	Rape-unconscious victim (uses substance to impair)	F-1	13	4
3121(a)(4)	Rape-substantially impaired victim	F-1	12	4
3121(a)(4)	Rape-substantially impaired victim (uses substance to impair)	F-1	13	4
3121(a)(5)	Rape-mentally disabled victim	F-1	12	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3121(a)(5)	Rape-mentally disabled victim (uses substance to impair)	F-1	13	4
3121(c)	Rape-child (victim <13 yrs)	F-1	14	4
3121(d)	Rape-child w/ SBI (victim <13 yrs)	F-1	14	4
3122.1(a)(1)	Statutory sexual assault-victim <16 yrs (person 4-<8 yrs older)	F-2	7	2
3122.1(a)(2)	Statutory sexual assault-victim <16 yrs (person 8-<11 yrs older)	F-2	8	2
3122.1(b)	Statutory sexual assault-victim <16 yrs (person >=11 yrs older)	F-1	9	3
3123(a)(1)	IDSI-forcible compulsion	F-1	12	4
3123(a)(2)	IDSI-threat of forcible compulsion	F-1	12	4
3123(a)(3)	IDSI-unconscious victim	F-1	12	4
3123(a)(4)	IDSI-substantially impaired victim	F-1	12	4
3123(a)(5)	IDSI-mentally disabled victim	F-1	12	4
3123(a)(7)	IDSI-victim <16 yrs (person >=4 yrs older)	F-1	12	4
3123(b)	IDSI-child (victim <13 yrs)	F-1	14	4
3123(c)	IDSI-child w/ SBI (victim <13 yrs)	F-1	14	4
3124.1	Sexual assault	F-2	11	4
3124.2(a)	Institutional sexual assault-generally	F-3	6	1
3124.2(a.1)	Institutional sexual assault-minor (victim <18 yrs)	F-3	6	1
3124.2(a.2)	Institutional sexual assault-by school volunteer/employee	F-3	6	1
3124.2(a.3)	Institutional sexual assault-by child care volunteer/employee	F-3	6	1
3124.3(a)	Sexual assault by sports official of non-profit association	F-3	6	1
3124.3(b)	Sexual assault by volunteer or employee of non-profit association	F-3	6	1
3125(a)(1)	Aggravated indecent assault-w/o consent	F-2	10	4
3125(a)(1)	Aggravated indecent assault-of a child w/out consent (victim <13 yrs)	F-1	12	4
3125(a)(2)	Aggravated indecent assault-forcible compulsion	F-2	10	4
3125(a)(2)	Aggravated indecent assault-of a child/forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(3)	Aggravated indecent assault-threat of forcible compulsion	F-2	10	4
3125(a)(3)	Aggravated indecent assault-of a child/threat of forcible compulsion (victim <13 yrs)	F-1	12	4
3125(a)(4)	Aggravated indecent assault-unconscious victim	F-2	10	4
3125(a)(4)	Aggravated indecent assault-of a child/unconscious victim (victim <13 yrs)	F-1	12	4
3125(a)(5)	Aggravated indecent assault-substantially impaired victim	F-2	10	4
3125(a)(5)	Aggravated indecent assault-of a child/substantially impaired victim (<13 yrs)	F-1	12	4
3125(a)(6)	Aggravated indecent assault-mentally disabled victim	F-2	10	4
3125(a)(6)	Aggravated indecent assault-of a child/mentally disabled victim (<13 yrs)	F-1	12	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3125(a)(7)	Aggravated indecent assault-victim <13 yrs	F-2	10	4
3125(a)(8)	Aggravated indecent assault-victim <16 yrs (person >=4 yrs older)	F-2	10	4
3126(a)(1)	Indecent assault-w/o consent	M-2	4	m
3126(a)(2)	Indecent assault-forcible compulsion	M-1	5	m
3126(a)(3)	Indecent assault-threat of forcible compulsion	M-1	5	m
3126(a)(4)	Indecent assault-unconscious victim	M-1	5	m
3126(a)(5)	Indecent assault-substantially impaired victim	M-1	5	m
3126(a)(6)	Indecent assault-mentally disabled victim	M-1	5	m
3126(a)(7)	Indecent assault-victim <13 yrs	M-1	5	1
3126(a)(7)	Indecent assault-victim <13 yrs (2nd/subsq)	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/course of conduct	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching victim's sexual parts w/ person's	F-3	6	1
3126(a)(7)	Indecent assault-victim <13 yrs/touching person's sexual parts w/ victim's	F-3	6	1
3126(a)(8)	Indecent assault-victim <16 yrs (person >=4 yrs older)	M-2	4	m
3127(a)	Indecent exposure	M-2	3	m
3127(a)	Indecent exposure-victim <16 yrs	M-1	4	1
3129	Sexual intercourse with animal	M-2	2	m
3130(a)(1)	Conduct relating to sex offenders-withhold information	F-3	5	1
3130(a)(2)	Conduct relating to sex offenders-harbor sex offender	F-3	5	1
3130(a)(3)	Conduct relating to sex offenders-conceal sex offender	F-3	5	1
3130(a)(4)	Conduct relating to sex offenders-provide false information	F-3	5	1
3131(a)	Unlawful dissemination of intimate image (person depicted is minor <18 yrs)	M-1	3	m
3131(a)	Unlawful dissemination of intimate image (person depicted is not minor =>18 yrs)	M-2	2	m
3301(a)(1)(i)*	Arson endangering persons-danger of death (person in building or BI results)	F-1	10	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (no person in building and no BI)	F-1	9	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause SBI to civilian)	F-1	11	4
3301(a)(1)(i)*	Arson endangering persons-danger of death (cause BI to firefighter, etc.)	F-1	11	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (person in building or BI results)	F-1	10	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (no person in building and no BI)	F-1	9	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause SBI to civilian)	F-1	11	4
3301(a)(1)(ii)*	Arson endangering persons-inhabited building (cause BI to firefighter, etc.)	F-1	11	4

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3301(a)(2)	Arson endangering persons-cause death w/ intent (murder-1st degree)	Murder of 1st Degree	[18 Pa.C.S. § 1102(a)] 15	4
3301(a)(2)	Arson endangering persons-cause death (murder-2nd degree)	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to civilian	F-1	10	4
3301(a.1)(1)(i)*	Aggravated arson-cause BI to civilian	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-attempt SBI to civilian	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-cause SBI to civilian	F-1	12	4
3301(a.1)(1)(i)*	Aggravated arson-attempt BI to firefighter, etc.	F-1	11	4
3301(a.1)(1)(i)*	Aggravated arson-cause BI to firefighter, etc.	F-1	12	4
3301(a.1)(1)(ii)	Aggravated arson-other felony arson (when person present inside property)	F-1	10	4
3301(a.1)(2)	Aggravated arson-fire/explosion causes death of any person	Murder of 2nd Degree	[18 Pa.C.S. § 1102(b)] 15	4
3301(a.2)(1)	Arson of historic resource-w/ intent (fire/explosion)	F-2	7	2
3301(a.2)(2)	Arson of historic resource-aids/pays (fire/explosion)	F-2	7	2
3301(c)(1)	Arson endangering property-intent to destroy unoccupied bldg	F-2	6	2
3301(c)(2)	Arson endangering property-endangers inhabited building	F-2	6	2
3301(c)(3)	Arson endangering property-intent to collect insurance	F-2	6	2
3301(d)(1)	Arson-reckless burning or exploding (endanger unoccupied bldg)	F-3	5	1
3301(d)(2)	Arson-reckless burning or exploding (endanger property >\$5000)	F-3	5	1
3301(e)(1)	Arson-failure to control/report (duty)	M-1	3	m
3301(e)(2)	Arson-failure to control/report (own property)	M-1	3	m
3301(f)	Arson-possess explosive material (intent to use)	F-3	5	1
3301(g)	Arson-failure to disclose true owner	M-3	1	m
3302(a)	Catastrophe-causing (intentionally)	F-1	10	3
3302(a)	Catastrophe-causing (recklessly)	F-2	6	2
3302(b)	Catastrophe-risking	F-3	4	1
3303(1)	Failure to prevent catastrophe-duty	M-2	2	m
3303(2)	Failure to prevent catastrophe-acted or assented to	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$5,000)	F-3	5	1
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$1,000)	M-2	2	m
3304(a)(1)	Criminal mischief-damage prop/intent/reckless/neglig (>\$500)	M-3	1	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$5,000)	F-3	5	1
3304(a)(2)	Criminal mischief-tamper w/ property (>\$1,000)	M-2	2	m
3304(a)(2)	Criminal mischief-tamper w/ property (>\$500)	M-3	1	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$5,000)	F-3	5	1

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3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$1,000)	M-2	2	m
3304(a)(3)	Criminal mischief-cause pecuniary loss (>\$500)	M-3	1	m
3304(a)(4)	Criminal mischief-graffiti (>\$5,000)	F-3	5	1
3304(a)(4)	Criminal mischief-graffiti (>\$1,000)	M-2	2	m
3304(a)(4)	Criminal mischief-graffiti (>\$150)	M-3	1	m
3304(a)(5)	Criminal mischief-damage property (>\$5,000)	F-3	5	1
3304(a)(5)	Criminal mischief-damage property (>\$1,000)	M-2	2	m
3304(a)(5)	Criminal mischief-damage property (>\$500)	M-3	1	m
3304(a)(6)	Criminal mischief-paintball (>\$5,000)	F-3	5	1
3304(a)(6)	Criminal mischief-paintball (>\$1,000)	M-2	2	m
3304(a)(6)	Criminal mischief-paintball (>\$500)	M-3	1	m
3305	Tampering w/ fire apparatus/hydrants	M-3	1	m
3307(a)(1)	Institutional vandalism-place of worship (>\$5,000 or desecration)	F-3	5	1
3307(a)(1)	Institutional vandalism-place of worship (<=\$5,000)	M-2	2	m
3307(a)(2)	Institutional vandalism-cemetery (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (>\$5,000 or desecration)	F-3	5	1
3307(a)(3)	Institutional vandalism-school (<=\$5,000)	M-2	2	m
3307(a)(3)	Institutional vandalism-cemetery (<=\$5,000)	M-2	2	m
3307(a)(4)	Institutional vandalism-adjacent grounds (>\$5,000 or desecration)	F-3	5	1
3307(a)(4)	Institutional vandalism-adjacent grounds (<=\$5,000)	M-2	2	m
3307(a)(5)	Institutional vandalism-personal property (>\$5,000 or desecration)	F-3	5	1
3307(a)(5)	Institutional vandalism-personal property (<=\$5,000)	M-2	2	m
3307(a.1)	Institutional vandalism-possess marking device on property	M-2	2	m
3309(a)	Agricultural vandalism (>\$5,000)	F-3	5	1
3309(a)	Agricultural vandalism (>\$1,000)	M-1	3	m
3309(a)	Agricultural vandalism (>\$500)	M-2	2	m
3309(a)	Agricultural vandalism (<=\$500)	M-3	1	m
3310(a)	Agricultural crop destruction	F-2	7	2
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-1)	F-1	14	4
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)

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3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(i)	Ecoterrorism-intimidate individual participation (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is F-3/ ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(1)(ii)	Ecoterrorism-intimidate individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-1)	F-1	14	4
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is M-3/ungr misd)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(i)	Ecoterrorism-obstruct individ. from activity (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-1)	F-1	14	4
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-2)	F-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is F-3/ungr fel)	F-2	one point higher than object offense	See § 303.7(a)

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-1)	F-3	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-2)	M-1	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is M-3)	M-2	one point higher than object offense	See § 303.7(a)
3311(a)(2)(ii)	Ecoterrorism-obstruct individ. using animal/plant/etc. (if off is S)	M-3	one point higher than object offense	See § 303.7(a)
3312(a)(2)	Destruction of survey monument-call boundary into question	M-2	3	m
3313(a)	Illegal dumping of methamphetamine waste	F-3	5	1
3502(a)(1)(i)	Burglary-home/person present and bodily injury crime as defined in 18 Pa.C.S. § 3502(e)	F-1	10	4
3502(a)(1)(ii)	Burglary-home/person present	F-1	9	4
3502(a)(2)	Burglary-home/no person present	F-1	7	3
3502(a)(3)	Burglary-not a home/person present	F-1	6	3
3502(a)(4)	Burglary-not a home/no person present	F-2	5	2
3502(a)(4)	Burglary-not a home/no person present (commit theft of drugs)	F-1	7	3
3503(a)(1)(i)	Criminal trespass-buildings	F-3	3	1
3503(a)(1)(ii)	Criminal trespass-buildings (break in)	F-2	4	2
3503(b)(1)(i)	Criminal trespass-defiant (notice by communication)	M-3	1	m
3503(b)(1)(ii)	Criminal trespass-defiant (notice posted)	M-3	1	m
3503(b)(1)(iii)	Criminal trespass-defiant (notice by fencing)	M-3	1	m
3503(b)(1)(iv)	Criminal trespass-defiant (notice posted/school grounds)	M-3	1	m
3503(b)(1)(v)	Criminal trespass-defiant (communication/leave school grounds)	M-1	3	m
3503(b.2)(1)(i)	Criminal trespass-agricultural trespass (posted land)	M-3	1	m
3503(b.2)(1)(ii)	Criminal trespass-agricultural trespass (defies order)	M-2	3	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license	M-3	1	m
3503(b.3)(1)(i)	Agricultural biosecurity trespass-enter w/o license (damage plant/animal)	M-1	3	m
3503(b.3)(1)(ii)	Agricultural biosecurity trespass-fail to perform measure (damage plant/animal)	M-1	3	m
3504(a)(1)(i)	Railroad vandalism to RR property-by disrupting train operation	M-3	1	m
3504(a)(1)(ii)	Railroad vandalism to RR property-by driving vehicle	M-3	1	m
3504(a)(1)(iii)	Railroad vandalism to RR property-by damaging property/equipment	M-3	1	m
3504(b)	Railroad protection-stowaways prohibited	M-3	1	m
3505(a)(3)	Unlawful use of unmanned aircraft: intentionally or knowingly deliver, provide, transmit, furnish contraband	F-2	7	2

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3701(a)(1)(i)	Robbery-inflicts SBI	F-1	12	4
3701(a)(1)(i)	Robbery-inflicts SBI (drug-related)	F-1	13	4
3701(a)(1)(ii)	Robbery-threatens SBI	F-1	10	4
3701(a)(1)(ii)	Robbery-threaten SBI (drug-related)	F-1	11	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2	F-1	9	4
3701(a)(1)(iii)	Robbery-commit/threaten any F1 or F2 (drug-related)	F-1	10	4
3701(a)(1)(iv)	Robbery-inflicts/threatens BI	F-2	7	2
3701(a)(1)(iv)	Robbery-inflicts/threatens BI (drug-related)	F-1	8	3
3701(a)(1)(v)	Robbery-takes property by force	F-3	5	1
3701(a)(1)(v)	Robbery-takes property by force (drug-related)	F-1	6	3
3701(a)(1)(vi)	Robbery-demand money from financial institution	F-2	7	2
3702(a)*	Robbery of motor vehicle-with SBI	F-1	12	4
3702(a)*	Robbery of motor vehicle-without SBI	F-1	9	4
3921(a)	Theft by unlaw taking-movable property (anhydrous ammonia)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (disaster)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (firearm)	F-2	8	2
3921(a)	Theft by unlaw taking-movable property (=>\$500,000)	F-1	8	3
3921(a)	Theft by unlaw taking-movable property (\$100,000-<\$500,000)	F-2	7	2
3921(a)*	Theft by unlaw taking-movable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3921(a)*	Theft by unlaw taking-movable property (>\$2,000-\$25,000)	F-3	5	1
3921(a)	Theft by unlaw taking-movable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$200-\$2,000/no threat)	M-1	3	m
3921(a)	Theft by unlaw taking-movable property (\$50-<\$200/no threat)	M-2	2	m
3921(a)	Theft by unlaw taking-movable property (<\$50/no threat)	M-3	1	m
3921(b)	Theft by unlaw taking-immovable property (anhydrous ammonia)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (disaster)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (firearm)	F-2	8	2
3921(b)	Theft by unlaw taking-immovable property (=>\$500,000)	F-1	8	3
3921(b)	Theft by unlaw taking-immovable property (\$100,000-<\$500,000)	F-2	7	2
3921(b)*	Theft by unlaw taking-immovable property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3921(b)*	Theft by unlaw taking-immovable property (>\$2,000-\$25,000)	F-3	5	1
3921(b)	Theft by unlaw taking-immovable property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3921(b)	Theft by unlaw taking-immovable property (\$200-\$2,000/no threat)	M-1	3	m
3921(b)	Theft by unlaw taking-immovable property (\$50-<\$200/no threat)	M-2	2	m
3921(b)	Theft by unlaw taking-immovable property (<\$50/no threat)	M-3	1	m
3922(a)(1)	Theft by deception-false impression (anhydrous ammonia)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (firearm)	F-2	8	2
3922(a)(1)	Theft by deception-false impression (=>\$500,000)	F-1	8	3
3922(a)(1)	Theft by deception-false impression (\$100,000-<\$500,000)	F-2	7	2
3922(a)(1)*	Theft by deception-false impression (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(1)*	Theft by deception-false impression (>\$2,000-\$25,000)	F-3	5	1
3922(a)(1)	Theft by deception-false impression (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(1)	Theft by deception-false impression (>\$50-\$200/no threat)	M-2	2	m
3922(a)(1)	Theft by deception-false impression (<\$50/no threat)	M-3	1	m
3922(a)(2)	Theft by deception-conceal information (anhydrous ammonia)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (firearm)	F-2	8	2
3922(a)(2)	Theft by deception-conceal information (=>\$500,000)	F-1	8	3
3922(a)(2)	Theft by deception-conceal information (\$100,000-<\$500,000)	F-2	7	2
3922(a)(2)*	Theft by deception-conceal information (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(2)*	Theft by deception-conceal information (>\$2,000-\$25,000)	F-3	5	1
3922(a)(2)	Theft by deception-conceal information (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(2)	Theft by deception-conceal information (\$50-<\$200/no threat)	M-2	2	m
3922(a)(2)	Theft by deception-conceal information (<\$50/no threat)	M-3	1	m
3922(a)(3)	Theft by deception-fail to correct (anhydrous ammonia)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (firearm)	F-2	8	2
3922(a)(3)	Theft by deception-fail to correct (=>\$500,000)	F-1	8	3
3922(a)(3)	Theft by deception-fail to correct (\$100,000-<\$500,000)	F-2	7	2
3922(a)(3)*	Theft by deception-fail to correct (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3922(a)(3)*	Theft by deception-fail to correct (>\$2,000-\$25,000)	F-3	5	1

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3922(a)(3)	Theft by deception-fail to correct (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$200-\$2,000/no threat)	M-1	3	m
3922(a)(3)	Theft by deception-fail to correct (\$50-<\$200/no threat)	M-2	2	m
3922(a)(3)	Theft by deception-fail to correct (<\$50/no threat)	M-3	1	m
3923(a)(1)	Theft by extortion-commit crime (anhydrous ammonia)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (firearm)	F-2	8	2
3923(a)(1)	Theft by extortion-commit crime (=>\$500,000)	F-1	8	3
3923(a)(1)	Theft by extortion-commit crime (\$100,000-<\$500,000)	F-2	7	2
3923(a)(1)*	Theft by extortion-commit crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(1)*	Theft by extortion-commit crime (>\$2,000-\$25,000)	F-3	5	1
3923(a)(1)	Theft by extortion-commit crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(1)	Theft by extortion-commit crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(1)	Theft by extortion-commit crime (<\$50/no threat)	M-3	1	m
3923(a)(2)	Theft by extortion-accuse of crime (anhydrous ammonia)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (firearm)	F-2	8	2
3923(a)(2)	Theft by extortion-accuse of crime (=>\$500,000)	F-1	8	3
3923(a)(2)	Theft by extortion-accuse of crime (\$100,000-<\$500,000)	F-2	7	2
3923(a)(2)*	Theft by extortion-accuse of crime (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(2)*	Theft by extortion-accuse of crime (>\$2,000-\$25,000)	F-3	5	1
3923(a)(2)	Theft by extortion-accuse of crime (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(2)	Theft by extortion-accuse of crime (\$50-<\$200/no threat)	M-2	2	m
3923(a)(2)	Theft by extortion-accuse of crime (<\$50/no threat)	M-3	1	m
3923(a)(3)	Theft by extortion-expose secret (anhydrous ammonia)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (firearm)	F-2	8	2
3923(a)(3)	Theft by extortion-expose secret (=>\$500,000)	F-1	8	3
3923(a)(3)	Theft by extortion-expose secret (\$100,000-<\$500,000)	F-2	7	2
3923(a)(3)*	Theft by extortion-expose secret (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(3)*	Theft by extortion-expose secret (>\$2,000-\$25,000)	F-3	5	1
3923(a)(3)	Theft by extortion-expose secret (<=\$2,000/from indiv./by threat/breach)	M-1	4	m

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3923(a)(3)	Theft by extortion-expose secret (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(3)	Theft by extortion-expose secret (\$50-<\$200/no threat)	M-2	2	m
3923(a)(3)	Theft by extortion-expose secret (<\$50/no threat)	M-3	1	m
3923(a)(4)	Theft by extortion-official action (anhydrous ammonia)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (firearm)	F-2	8	2
3923(a)(4)	Theft by extortion-official action (=>\$500,000)	F-1	8	3
3923(a)(4)	Theft by extortion-official action (\$100,000-<\$500,000)	F-2	7	2
3923(a)(4)*	Theft by extortion-official action (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(4)*	Theft by extortion-official action (>\$2,000-\$25,000)	F-3	5	1
3923(a)(4)	Theft by extortion-official action (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(4)	Theft by extortion-official action (\$50-<\$200/no threat)	M-2	2	m
3923(a)(4)	Theft by extortion-official action (<\$50/no threat)	M-3	1	m
3923(a)(5)	Theft by extortion-strike/boycott (anhydrous ammonia)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (firearm)	F-2	8	2
3923(a)(5)	Theft by extortion-strike/boycott (=>\$500,000)	F-1	8	3
3923(a)(5)	Theft by extortion-strike/boycott (\$100,000-<\$500,000)	F-2	7	2
3923(a)(5)*	Theft by extortion-strike/boycott (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(5)*	Theft by extortion-strike/boycott (>\$2,000-\$25,000)	F-3	5	1
3923(a)(5)	Theft by extortion-strike/boycott (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(5)	Theft by extortion-strike/boycott (\$50-<\$200/no threat)	M-2	2	m
3923(a)(5)	Theft by extortion-strike/boycott (<\$50/no threat)	M-3	1	m
3923(a)(6)	Theft by extortion-testimony (anhydrous ammonia)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (firearm)	F-2	8	2
3923(a)(6)	Theft by extortion-testimony (=>\$500,000)	F-1	8	3
3923(a)(6)	Theft by extortion-testimony (\$100,000-<\$500,000)	F-2	7	2
3923(a)(6)*	Theft by extortion-testimony (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(6)*	Theft by extortion-testimony (>\$2,000-\$25,000)	F-3	5	1
3923(a)(6)	Theft by extortion-testimony (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(6)	Theft by extortion-testimony (\$50-<\$200/no threat)	M-2	2	m
3923(a)(6)	Theft by extortion-testimony (<\$50/no threat)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3923(a)(7)	Theft by extortion-inflict harm (anhydrous ammonia)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (firearm)	F-2	8	2
3923(a)(7)	Theft by extortion-inflict harm (=>\$500,000)	F-1	8	3
3923(a)(7)	Theft by extortion-inflict harm (\$100,000-<\$500,000)	F-2	7	2
3923(a)(7)*	Theft by extortion-inflict harm (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3923(a)(7)*	Theft by extortion-inflict harm (>\$2,000-\$25,000)	F-3	5	1
3923(a)(7)	Theft by extortion-inflict harm (<=\$2,000/from indiv./by threat/breach)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$200-\$2,000/no threat)	M-1	4	m
3923(a)(7)	Theft by extortion-inflict harm (\$50-<\$200/no threat)	M-2	2	m
3923(a)(7)	Theft by extortion-inflict harm (<\$50/no threat)	M-3	1	m
3924	Theft of property-lost/mislaid (anhydrous ammonia)	F-2	8	2
3924	Theft of property-lost/mislaid (firearm)	F-2	8	2
3924	Theft of property-lost/mislaid (=>\$500,000)	F-1	8	3
3924	Theft of property-lost/mislaid (\$100,000-<\$500,000)	F-2	7	2
3924*	Theft of property-lost/mislaid (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3924*	Theft of property-lost/mislaid (>\$2,000-\$25,000)	F-3	5	1
3924	Theft of property-lost/mislaid (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3924	Theft of property-lost/mislaid (\$200-\$2,000/no threat)	M-1	3	m
3924	Theft of property-lost/mislaid (\$50-<\$200/no threat)	M-2	2	m
3924	Theft of property-lost/mislaid (<\$50/no threat)	M-3	1	m
3925(a)	Theft by receiving stolen property (anhydrous ammonia)	F-2	8	2
3925(a)	Theft by receiving stolen property (disaster)	F-2	8	2
3925(a)	Theft by receiving stolen property (firearm/receiver in business)	F-1	9	3
3925(a)	Theft by receiving stolen property (firearm/receiver not in business)	F-2	8	2
3925(a)	Theft of receiving stolen property (=>\$500,000)	F-1	8	3
3925(a)	Theft by receiving stolen property (\$100,000-<\$500,000)	F-2	7	2
3925(a)*	Theft of receiving stolen property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3925(a)*	Theft by receiving stolen property (>\$2,000-\$25,000)	F-3	5	1
3925(a)	Theft by receiving stolen property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$200-\$2,000/no threat)	M-1	3	m
3925(a)	Theft by receiving stolen property (\$50-<\$200/no threat)	M-2	2	m
3925(a)	Theft by receiving stolen property (<\$50/no threat)	M-3	1	m
3926(a)(1)	Theft of services-obtain service (anhydrous ammonia)	F-2	8	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3926(a)(1)	Theft of services-obtain service (firearm)	F-2	8	2
3926(a)(1)	Theft of services-obtain service (=>\$500,000)	F-1	8	3
3926(a)(1)	Theft of services-obtain service (\$100,000-<\$500,000)	F-2	7	2
3926(a)(1)*	Theft of services-obtain service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(a)(1)*	Theft of services-obtain service (>\$2,000-\$25,000)	F-3	5	1
3926(a)(1)	Theft of services-obtain service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1)	Theft of services-obtain service (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1)	Theft of services-obtain service (<\$50/no threat)	M-3	1	m
3926(a)(1.1)	Theft of services-obtain telecommunications (anhydrous ammonia)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (firearm)	F-2	8	2
3926(a)(1.1)	Theft of services-obtain telecommunications (=>\$500,000)	F-1	8	3
3926(a)(1.1)	Theft of services-obtain telecommunications (\$100,000-<\$500,000)	F-2	7	2
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(a)(1.1)*	Theft of services-obtain telecommunications (>\$2,000-\$25,000)	F-3	5	1
3926(a)(1.1)	Theft of services-obtain telecommunications (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$200-\$2,000/no threat)	M-1	3	m
3926(a)(1.1)	Theft of services-obtain telecommunications (\$50-<\$200/no threat)	M-2	2	m
3926(a)(1.1)	Theft of services-obtain telecommunications (<\$50/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (anhydrous ammonia)	F-2	8	2
3926(b)	Theft of services-divert service (firearm)	F-2	8	2
3926(b)	Theft of services-divert service (=>\$500,000)	F-1	8	3
3926(b)	Theft of services-divert service (\$100,000-<\$500,000)	F-2	7	2
3926(b)*	Theft of services-divert service (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3926(b)*	Theft of services-divert service (>\$2,000-\$25,000)	F-3	5	1
3926(b)	Theft of services-divert service (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3926(b)	Theft of services-divert service (\$200-\$2,000/no threat)	M-1	3	m
3926(b)	Theft of services-divert service (\$50-<\$200/no threat)	M-2	2	m
3926(b)	Theft of services-divert service (<\$50/no threat)	M-3	1	m
3926(e)	Theft of services-transfer device/plan	M-3	1	m

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3927(a)	Theft by failure-req. disposition funds (anhydrous ammonia)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (firearm)	F-2	8	2
3927(a)	Theft by failure-req. disposition funds (=>\$500,000)	F-1	8	3
3927(a)	Theft by failure-req. disposition funds (\$100,000-<\$500,000)	F-2	7	2
3927(a)*	Theft by failure-req. disposition funds (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3927(a)*	Theft by failure-req. disposition funds (>\$2,000-\$25,000)	F-3	5	1
3927(a)	Theft by failure-req. disposition funds (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$200-\$2,000/no threat)	M-1	3	m
3927(a)	Theft by failure-req. disposition funds (\$50-<\$200/no threat)	M-2	2	m
3927(a)	Theft by failure-req. disposition funds (<\$50/no threat)	M-3	1	m
3928(a)	Unauthorized use of auto	M-2	2	m
3928(a)	Unauthorized use of auto (disaster)	F-2	8	2
3929(a)(1)	Retail theft-take merchandise (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(1)	Retail theft-take merchandise (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(1)	Retail theft-take merchandise (2nd off & <\$150)	M-2	2	m
3929(a)(1)	Retail theft-take merchandise (3rd/subsq off)	F-3	3	1
3929(a)(1)	Retail theft-take merchandise (disaster)	F-2	8	2
3929(a)(2)	Retail theft-alter price (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(2)	Retail theft-alter price (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(2)	Retail theft-alter price (2nd off & <\$150)	M-2	2	m
3929(a)(2)	Retail theft-alter price (3rd/subsq off)	F-3	3	1
3929(a)(2)	Retail theft-alter price (disaster)	F-2	8	2
3929(a)(3)	Retail theft-transfer container (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(3)	Retail theft-transfer container (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(3)	Retail theft-transfer container (2nd off & <\$150)	M-2	2	m
3929(a)(3)	Retail theft-transfer container (3rd/subsq off)	F-3	3	1
3929(a)(3)	Retail theft-transfer container (disaster)	F-2	8	2
3929(a)(4)	Retail theft-under-rings (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(4)	Retail theft-under-rings (1st/2nd off & >=\$150)	M-1	2	m
3929(a)(4)	Retail theft-under-rings (2nd off & <\$150)	M-2	2	m
3929(a)(4)	Retail theft-under-rings (3rd/subsq off)	F-3	3	1
3929(a)(4)	Retail theft-under-rings (disaster)	F-2	8	2
3929(a)(5)	Retail theft-tamper w/ inventory tag (>\$1,000/or firearm/motor vehicle)	F-3	5	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (1st/2nd off & >=\$150)	M-1	2	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3929(a)(5)	Retail theft-tamper w/ inventory tag (2nd off & <\$150)	M-2	2	m
3929(a)(5)	Retail theft-tamper w/ inventory tag (3rd/subsq off)	F-3	3	1
3929(a)(5)	Retail theft-tamper w/ inventory tag (disaster)	F-2	8	2
3929.1(a)	Library Theft (1st/2nd off & >=\$150)	M-1	3	m
3929.1(a)	Library Theft (2nd off& <\$150)	M-2	2	m
3929.1(a)	Library Theft (3rd/Subsq off)	F-3	5	1
3929.2(a)	Unlawful possession-retail/library theft instruments	M-1	3	m
3929.3(a)	Organized retail theft (>=\$20,000)	F-2	7	2
3929.3(a)	Organized retail theft (\$5,000-\$19,999)	F-3	6	1
3930(a)(1)	Theft of trade secrets-by force	F-2	7	2
3930(a)(2)	Theft of trade secrets-willful entry of building	F-2	7	2
3930(a)(3)	Theft of trade secrets-willful access of computer	F-2	7	2
3930(b)(1)	Theft of trade secrets-unlawful possession	F-3	5	1
3930(b)(2)	Theft of trade secrets-unlawful conversion to own use	F-3	5	1
3931	Theft of unpublished drama, etc. (>\$2,000)	F-3	5	1
3931	Theft of unpublished drama, etc. (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$200-\$2,000/no threat)	M-1	3	m
3931	Theft of unpublished drama, etc. (\$50-<\$200/no threat)	M-2	2	m
3931	Theft of unpublished drama, etc. (<\$50/no threat)	M-3	1	m
3932(a)	Theft of leased property (anhydrous ammonia)	F-2	8	2
3932(a)	Theft of leased property (firearm)	F-2	8	2
3932(a)	Theft of leased property (=>\$500,000)	F-1	8	3
3932(a)	Theft of leased property (\$100,000-<\$500,000)	F-2	7	2
3932(a)*	Theft of leased property (>\$25,000-<\$100,000/or motorized vehicle)	F-3	6	1
3932(a)*	Theft of leased property (>\$2,000-\$25,000)	F-3	5	1
3932(a)	Theft of leased property (<=\$2,000/from indiv./by threat/breach)	M-1	3	m
3932(a)	Theft of leased property (\$200-\$2,000/no threat)	M-1	3	m
3932(a)	Theft of leased property (\$50-<\$200/no threat)	M-2	2	m
3932(a)	Theft of leased property (<\$50/no threat)	M-3	1	m
3934(a)	Theft from a motor vehicle (3rd/subsq w/in 5 yrs)	F-3	6	1
3934(a)	Theft from a motor vehicle (>\$200)	M-1	3	m
3934(a)	Theft from a motor vehicle (>=\$50-<\$200)	M-2	2	m
3934(a)	Theft from a motor vehicle (<\$50)	M-3	1	m
3935.1(a)	Theft of secondary metal (<\$50)	M-3	1	m
3935.1(a)	Theft of secondary metal (\$50-<\$200)	M-2	2	m
3935.1(a)	Theft of secondary metal (\$200-<\$1,000)	M-1	3	m
3935.1(a)	Theft of secondary metal (\$=>\$1,000)	F-3	5	1
3935.1(a)	Theft of secondary metal (third/subsq offense)	F-3	5	1
4101(a)(1)	Forgery-altered writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(1)	Forgery-altered writing (will//deed/other legal doc)	F-3	3	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4101(a)(1)	Forgery-altered writing (other)	M-1	3	m
4101(a)(2)	Forgery-unauthorized writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(2)	Forgery-unauthorized writing (will//deed/other legal doc)	F-3	3	1
4101(a)(2)	Forgery-unauthorized writing (other)	M-1	3	m
4101(a)(3)	Forgery-utter forged writing (money/stocks/govt docs/etc.)	F-2	4	2
4101(a)(3)	Forgery-utter forged writing (will//deed/other legal doc)	F-3	3	1
4101(a)(3)	Forgery-utter forged writing (other)	M-1	3	m
4102	Simulating objects of antiquity	M-1	3	m
4103	Fraudulent destruction of recordable instruments	F-3	5	1
4104(a)	Tampering w/ records or identification	M-1	3	m
4105(a)(1)	Bad checks-issues/passes check (=>\$75,000)	F-3	5	1
4105(a)(1)	Bad checks-issues/passes check (\$1,000-<\$75,000)	M-1	3	m
4105(a)(1)	Bad checks—issues/passes check (\$500-<\$1,000)	M-2	2	m
4105(a)(1)	Bad checks-issues/passes check (\$200-<\$500)	M-3	1	m
4105(a)(1)	Bad checks—issues/passes check (3rd/subsq off & <\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (=>\$75,000)	F-3	5	1
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$1,000-<\$75,000)	M-1	3	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$500-<\$1,000)	M-2	2	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (\$200-<\$500)	M-3	1	m
4105(a)(2)	Bad checks-issues/passes check in Commonwealth (3rd/subsq off & <\$75,000)	M-1	3	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (>=\$500)	F-3	5	1
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (\$50-<\$500)	M-1	4	m
4106(a)(1)(i)	Access device fraud-altered/counterfeit device (<\$50)	M-2	3	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (>\$500)	F-3	5	1
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (\$50-<\$500)	M-1	4	m
4106(a)(1)(ii)	Access device fraud-unauthorized use of device (<\$50)	M-2	3	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (>=\$500)	F-3	5	1
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (\$50-<\$500)	M-1	4	m
4106(a)(1)(iii)	Access device fraud-device revoked/cancelled (<\$50)	M-2	3	m
4106(a)(1)(iv)	Access device fraud-other (>=\$500)	F-3	5	1
4106(a)(1)(iv)	Access device fraud-other (\$50-<\$500)	M-1	4	m
4106(a)(1)(iv)	Access device fraud-other (<\$50)	M-2	3	m

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4106(a)(2)	Access device fraud-publishes/makes/sells illegal device	F-3	5	1
4106(a)(3)	Access device fraud-knowingly possesses illegal device	M-3	2	m
4106.1(a)(1)	Unlawful device-making equipment (produces/traffics)	F-3	6	1
4106.1(a)(2)	Unlawful device-making equipment (possesses)	M-1	4	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000)	M-1	3	m
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk)	M-2	2	m
4107(a)(1)	Deceptive business practices-false weight/measure (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(1)	Deceptive business practices-false weight/measure (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(1)	Deceptive business practices-false weight/measure (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(2)	Deceptive business practices-sells < rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(2)	Deceptive business practices-sells < rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(2)	Deceptive business practices-sells < rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000)	M-1	3	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk)	M-2	2	m
4107(a)(3)	Deceptive business practices-take > rep. quantity (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(3)	Deceptive business practices-take > rep. quantity (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(3)	Deceptive business practices-take > rep. quantity (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000)	F-3	5	1
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000)	M-1	3	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk)	M-2	2	m
4107(a)(4)	Deceptive business practices-sell adulterated goods (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(4)	Deceptive business practices-sell adulterated goods (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(4)	Deceptive business practices-sell adulterated goods (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000)	M-1	3	m
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk)	M-2	2	m
4107(a)(5)	Deceptive business practices-false advertisement (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(5)	Deceptive business practices-false advertisement (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(5)	Deceptive business practices-false advertisement (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000)	M-1	3	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk)	M-2	2	m
4107(a)(6)	Deceptive business practices-false statement to obtain credit (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(6)	Deceptive business practices-false statement to obtain credit (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(6)	Deceptive business practices-false statement to obtain credit (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000)	M-1	3	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk)	M-2	2	m
4107(a)(7)	Deceptive business practices-false statement to sell securities (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(7)	Deceptive business practices-false statement to sell securities (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(7)	Deceptive business practices-false statement to sell securities (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000)	M-1	3	m
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk)	M-2	2	m
4107(a)(8)	Deceptive business practices-false statement to investor (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(8)	Deceptive business practices-false statement to investor (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(8)	Deceptive business practices-false statement to investor (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000)	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000)	M-1	3	m
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk)	M-2	2	m
4107(a)(9)	Deceptive business practices-false statement via phone (>\$2,000 & victim >=60 yrs)	F-2	7	2
4107(a)(9)	Deceptive business practices-false statement via phone (\$200-\$2,000 & victim >=60 yrs)	F-3	5	1
4107(a)(9)	Deceptive business practices-false statement via phone (<\$200/amt unk & victim >=60 yrs)	M-1	3	m
4107.1(a)	Deception relating to kosher food products	M-3	1	m
4107.2(a)(1)	Deception minority/women's business-fraud to obtain certif.	F-3	4	1
4107.2(a)(2)	Deception minority/women's business-false statement to deny certif.	F-3	4	1
4107.2(a)(3)	Deception minority/women's business-obstruct investigation for certif.	F-3	4	1
4107.2(a)(4)	Deception minority/women's business-fraudulent obtain public money	F-3	4	1
4108(a)	Commercial bribery/breach of duty-corrupt employee/agent/fiduciary	M-2	2	m
4108(b)	Commercial bribery/breach of duty-corrupt disinterested person	M-2	2	m
4108(c)	Commercial bribery/breach of duty-solicitation	M-2	2	m
4109(a)(1)	Rigging publicly exhibited contest-confer benefit/threaten injury	M-1	3	m
4109(a)(2)	Rigging publicly exhibited contest-tamper w/ person/animal/thing	M-1	3	m
4109(b)	Rigging publicly exhibited contest-solicit/accept benefit for rigging	M-1	3	m
4109(c)	Rigging publicly exhibited contest-participate in rigged contest	M-1	3	m
4110	Defrauding secured creditors	M-2	2	m
4111	Fraud in Insolvency	M-2	2	m
4111(1)	Fraud in insolvency-destroys/etc. property to obstruct creditor claim	M-2	2	m
4111(2)	Fraud in insolvency-falsify writing/record of property	M-2	2	m
4111(3)	Fraud in insolvency-knowingly misrepresent/refuse to disclose property	M-2	2	m
4112	Receiving deposits in failing financial institution	M-2	2	m
4113(a)	Misapplication of entrusted property (>\$50)	M-2	2	m
4113(a)	Misapplication of entrusted property (<=\$50)	M-3	1	m
4114	Securing execution of documents by deception	M-2	2	m
4115	Falsely impersonating persons privately employed	M-2	2	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2

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4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 1st off)	M-1	3	m
4116(b)(1)	Copying; recording devices-knowingly transfer sounds for profit (any other 2nd/subsq off)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings)	F-3	5	1
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 1st off)	M-1	3	m
4116(b)(2)	Copying; recording devices-manufacture/etc. w/ knowledge of transfer (any other 2nd/subsq off)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d)	Copying; recording devices-sell/rent illegal recording device (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 1st off)	M-1	3	m
4116(d)	Copying; recording devices-sell/rent illegal recording device (any other 2nd/subsq off)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings)	F-3	5	1
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (100+ motion pict./1000+ recordings and 2nd/subsq off)	F-2	7	2
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 1st off)	M-1	3	m
4116(d.1)(1)	Copying; recording devices-sell/rent live recording w/o owner consent (any other 2nd/subsq off)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings)	F-3	5	1
4116(e)	Copying; recording devices-mfr. name on packaging (100+ motion pict./1000+ recordings & 2nd/subsq off)	F-2	7	2
4116(e)	Copying; recording devices-mfr. name on packaging (any other 1st off)	M-1	3	m
4116(e)	Copying; recording devices-mfr. name on packaging (any other 2nd/subsq off)	F-3	5	1
4116.1(a)	Unlawful use of recording device in movie theater (1st off)	M-1	3	m
4116.1(a)	Unlawful use of recording device in movie theater (2nd/subsq off)	F-3	4	1
4117(a)(1)	Insurance fraud-false document to gvt. agency for ins. rate	F-3	4	1
4117(a)(2)	Insurance fraud-false insurance claim	F-3	4	1
4117(a)(3)	Insurance fraud-assist/conspire/etc. in false insurance claim	F-3	4	1
4117(a)(4)	Insurance fraud-unlicensed agent activity	F-3	4	1
4117(a)(5)	Insurance fraud-knowingly benefits from proceeds	F-3	4	1

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4117(a)(6)	Insurance fraud-health care facility allows insurance fraud	F-3	4	1
4117(a)(7)	Insurance fraud-borrows/uses another's ins. ID w/ intent to defraud	F-3	4	1
4117(a)(8)	Insurance fraud-direct/indirect solicitation for pecuniary gain	F-3	4	1
4117(b)(1)	Insurance fraud-unlawful compensation by attorney	M-1	3	m
4117(b)(2)	Insurance fraud-unlawful compensation by provider	M-1	3	m
4117(b)(3)	Insurance fraud-unlawful compensation for patient referral	M-1	3	m
4117(b)(4)	Insurance fraud-false insurance application	M-1	3	m
4118	Washing vehicle titles	F-3	4	1
4119(a)(1)	Trademark counterfeiting-mfr.	M-1	3	m
4119(a)(1)	Trademark counterfeiting-mfr. (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(1)	Trademark counterfeiting-mfr. (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(2)	Trademark counterfeiting-sells	M-1	3	m
4119(a)(2)	Trademark counterfeiting-sells (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(2)	Trademark counterfeiting-sells (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(3)	Trademark counterfeiting-offers for sale	M-1	3	m
4119(a)(3)	Trademark counterfeiting-offers for sale (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(3)	Trademark counterfeiting-offers for sale (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(4)	Trademark counterfeiting-displays	M-1	3	m
4119(a)(4)	Trademark counterfeiting-displays (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(4)	Trademark counterfeiting-displays (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(5)	Trademark counterfeiting-advertises	M-1	3	m
4119(a)(5)	Trademark counterfeiting-advertises (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(5)	Trademark counterfeiting-advertises (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(6)	Trademark counterfeiting-distributes	M-1	3	m
4119(a)(6)	Trademark counterfeiting-distributes (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(6)	Trademark counterfeiting-distributes (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2
4119(a)(7)	Trademark counterfeiting-transport	M-1	3	m
4119(a)(7)	Trademark counterfeiting-transport (prev conv/>100 items-<1000 items/>\$2,000-<\$10,000 value)	F-3	5	1
4119(a)(7)	Trademark counterfeiting-transport (2+ prev conv/mfr. of items/>=1000 items/>\$10,000 value)	F-2	7	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4120(a)	Identity theft (>=\$2,000)	F-3	5	1
4120(a)	Identity theft (<\$2,000)	M-1	3	m
4120(a)	Identity theft (3rd/subsq off)	F-2	7	2
4120(a)	Identity theft (furtherance of conspiracy)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim >=60 yrs/care-dependent)	F-3	5	1
4120(a)	Identity theft (3rd/subsq off and victim >=60 yrs/care-dependent)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim >=60 yrs/care-dependent)	F-2	7	2
4120(a)	Identity theft (<\$2,000 and victim <18 yrs)	F-3	5	1
4120(a)	Identity theft (>=\$2,000 and victim <18 yrs)	F-2	7	2
4120(a)	Identity theft (3rd/subsq off and victim <18 yrs)	F-1	8	3
4120(a)	Identity theft (furtherance of conspiracy and victim <18 yrs)	F-2	7	2
<u>4121(a)(1)(i)</u>	<u>Possession and use of unlawful device-intent to defraud (access, read, etc)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>4121(a)(1)(i)</u>	<u>Possession and use of unlawful device-intent to defraud (access, read, etc.) (2nd/subsq offense)</u>	<u>F-2</u>	<u>7</u>	<u>2</u>
<u>4121(a)(1)(ii)</u>	<u>Possession and use of unlawful device-intent to defraud (places information)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>4121(a)(1)(ii)</u>	<u>Possession and use of unlawful device-intent to defraud (places information) (2nd/subsq offense)</u>	<u>F-2</u>	<u>7</u>	<u>2</u>
<u>4121(a)(2)</u>	<u>Possession and use of unlawful device-knowingly possesses, sells or delivers device</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>4121(a)(2)</u>	<u>Possession and use of unlawful device-knowingly possesses, sells or delivers device (2nd/subsq offense)</u>	<u>F-2</u>	<u>7</u>	<u>2</u>
4301(a)	Bigamy (by married person)	M-2	3	m
4301(b)	Bigamy (knowing other person committing bigamy)	M-2	3	m
4302(a)	Incest (victim >18 yrs.)	F-2	9	4
4302(b)(1)	Incest-of a minor (victim <13 yrs.)	F-2	9	4
4302(b)(2)	Incest-of a minor (victim 13-18 yrs. and offender at least 4 yrs. older)	F-2	9	4
4303(a)	Concealing death of child	M-1	3	m
4304(a)(1)	Endangering welfare of children-violate duty of care	M-1	5	1
<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care (child <6 yrs)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
4304(a)(1)	Endangering welfare of children-violate duty of care (course of conduct)	F-3	6	1
<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care (course of conduct & child <6 yrs)</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care: substantial risk of death/SBI</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care: substantial risk of death/SBI (child <6 yrs)</u>	<u>F-2</u>	<u>8</u>	<u>2</u>

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<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct)</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
<u>4304(a)(1)</u>	<u>Endangering welfare of children-violate duty of care: substantial risk of death/SBI (course of conduct & child <6 yrs)</u>	<u>F-1</u>	<u>9</u>	<u>3</u>
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting	M-1	5	1
<u>4304(a)(2)</u>	<u>Endangering welfare of children-official prevents/interferes w/ reporting (child <6 yrs)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
4304(a)(2)	Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct)	F-3	6	1
<u>4304(a)(2)</u>	<u>Endangering welfare of children-official prevents/interferes w/ reporting (course of conduct & child <6 yrs)</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
4305	Dealing in infant children	M-1	4	1
4701(a)(1)	Bribery in official & political matters-pecuniary benefit as public servant	F-3	5	1
4701(a)(2)	Bribery in official & political matters-benefit for judicial/admin./legis. proceedings	F-3	5	1
4701(a)(3)	Bribery in official & political matters-benefit for legal duty as public servant	F-3	5	1
4702(a)(1)	Threats-to influence decision as public servant	M-2	2	m
4702(a)(1)	Threats-to influence decision as public servant (threat to commit crime)	F-3	5	1
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings	M-2	2	m
4702(a)(2)	Threats-to influence decision in judicial/admin. proceedings (threat to commit crime)	F-3	5	1
4702(a)(3)	Threats-harm for legal duty as public servant	M-2	2	m
4702(a)(3)	Threats-harm for legal duty as public servant (threat to commit crime)	F-3	5	1
4703	Retaliation for past official action	M-2	2	m
4902(a)	Perjury	F-3	5	1
4903(a)(1)	False swearing in official matters-in official proceeding	M-2	2	m
4903(a)(2)	False swearing in official matters-to mislead public servant	M-2	2	m
4903(b)	False swearing-statement required to be sworn	M-3	1	m
4904(a)(1)	Unsworn falsification to authorities-written statement	M-2	2	m
4904(a)(2)	Unsworn falsification to authorities-relies on false writing	M-2	2	m
4904(a)(3)	Unsworn falsification to authorities-relies on false specimen/map/boundary, etc.	M-2	2	m
4904(b)	Unsworn falsification to authorities-statement under penalty	M-3	1	m
4905(a)	False alarms to agency of public safety	M-1	3	m
4905(a)	False alarms to agency of public safety (state of emergency)	F-3	5	1
4906(a)	False reports-falsely incriminate another	M-2	2	m

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4906(a)	False reports-falsely incriminate another (report of theft/loss of firearm)	M-1	3	m
4906(a)	False reports-falsely incriminate another (state of emergency)	M-1	3	m
4906(b)(1)	False reports-fictitious report to law enforcement	M-3	1	m
4906(b)(1)	False reports-fictitious report to law enforcement (report of theft/loss of firearm)	M-2	2	m
4906(b)(1)	False reports-fictitious report to law enforcement (state of emergency)	M-2	2	m
4906(b)(2)	False reports-fictitious report of information	M-3	1	m
4906(b)(2)	False reports-fictitious report of information (report of theft/loss of firearm)	M-2	2	m
4906(b)(2)	False Reports-fictitious report of information (state of emergency)	M-2	2	m
4906.1	False reports of child abuse	M-2	2	m
4909	Witness or informant taking bribe	F-3	5	1
4910(1)	Tampering w/ physical evidence-intent to impair availability	M-2	2	m
4910(2)	Tampering w/ physical evidence-false record etc.	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc	M-2	2	m
4911(a)(1)	Tampering w/ public records-false entry/govt. doc. (to defraud)	F-3	4	1
4911(a)(2)	Tampering w/ public records-presenting false document	M-2	2	m
4911(a)(2)	Tampering w/ public records-presenting false document (to defraud)	F-3	4	1
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability	M-2	2	m
4911(a)(3)	Tampering w/ public records-intent to impair doc. availability (to defraud)	F-3	4	1
4912	Impersonating a public servant	M-2	2	m
4913(a)	Impersonating a notary public	M-2	2	m
4913(a)	Impersonating a notary public (intent to harm/defraud)	M-1	3	m
4913(a)	Impersonating a doctor of medicine (provides medical advice or treatment)	M-1	3	m
4914(a)	False identification to law enforcement authorities	M-3	1	m
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(1)	Fail to register with PSP-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(1)	Fail to register with PSP-lifetime registration (1st off)	F-2	8	2
4915.1(a)(1)	Fail to register with PSP-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (1st off)	F-3	6	1
4915.1(a)(2)	Fail to verify address/be photo'd-15 yr. registration (2nd/subsq off)	F-2	8	2

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4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (1st off)	F-2	8	2
4915.1(a)(2)	Fail to verify address/be photo'd-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-15 yr. registration	F-2	8	2
4915.1(a)(3)	Fail to provide accurate information-25 yr. registration	F-1	10	3
4915.1(a)(3)	Fail to provide accurate information-lifetime registration	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(1)	Fail to register with PSP: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(1)	Fail to register with PSP: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (1st off)	F-3	6	1
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-15 yr. registration (2nd/subsq off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-25 yr. registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (1st off)	F-2	8	2
4915.1(a.1)(2)	Fail to verify address/be photo'd: transient-lifetime registration (2nd/subsq off)	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-15 yr. registration	F-2	8	2
4915.1(a.1)(3)	Fail to provide accurate info.: transient-25 yr. registration	F-1	10	3
4915.1(a.1)(3)	Fail to provide accurate info.: transient-lifetime registration	F-1	10	3
4915.1(a.2)(1)	Fail to comply w/ SVP outpatient review/counseling	M-1	5	m
4915.1(a.2)(2)	Fail to comply w/ counseling req. from other jurisdiction	M-1	5	m
4915.2(a)(1)	Fail to register - 10 year registration	F-3	6	1
4915.2(a)(1)	Fail to register - 10 year registration (2nd/subsq off)	F-2	8	2
4915.2(a)(1)	Fail to register - lifetime registration	F-2	8	2

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4915.2(a)(1)	<u>Fail to register - lifetime registration (2nd/subsq off)</u>	<u>F-1</u>	<u>10</u>	<u>3</u>
4915.2(a)(2)	<u>Fail to verify address/be photographed - 10 year registration</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
4915.2(a)(2)	<u>Fail to verify address/be photographed - 10 year registration (2nd/subsq off)</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
4915.2(a)(2)	<u>Fail to verify address/be photographed - lifetime registration</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
4915.2(a)(2)	<u>Fail to verify address/be photographed - lifetime registration (2nd/subsq off)</u>	<u>F-1</u>	<u>10</u>	<u>3</u>
4915.2(a)(3)	<u>Fail to provide accurate information - 10 year registration</u>	<u>F-2</u>	<u>8</u>	<u>2</u>
4915.2(a)(3)	<u>Fail to provide accurate information - lifetime registration</u>	<u>F-1</u>	<u>10</u>	<u>3</u>
4915.2(a.1)(1)	<u>Fail to comply with SVP counseling requirements</u>	<u>M-1</u>	<u>5</u>	<u>m</u>
4915.2(a.1)(2)	<u>Fail to comply with SVP counseling requirements (another jurisdiction)</u>	<u>M-1</u>	<u>5</u>	<u>m</u>
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor & F-2)	F-2	9	2
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (listed factor)	F-3	7	1
4952(a)(1)	Intimidation of witness/victim-refrain from reporting (general)	M-2	5	m
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor & F-2)	F-2	9	2
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (listed factor)	F-3	7	1
4952(a)(2)	Intimidation of witness/victim-false/misleading info. (general)	M-2	5	m
4952(a)(3)	Intimidation of witness/victim-Withhold Information, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor & F-2)	F-2	9	2
4952(a)(3)	Intimidation of witness/victim-withhold info. (listed factor)	F-3	7	1
4952(a)(3)	Intimidation of witness/victim-withhold info. (general)	M-2	5	m
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor & F-2)	F-2	9	2
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (listed factor)	F-3	7	1
4952(a)(4)	Intimidation of witness/victim-false info/refuse testimony (general)	M-2	5	m
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-1/Murder 1 or 2)	F-1	11	4

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4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor & F-2)	F-2	9	2
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (listed factor)	F-3	7	1
4952(a)(5)	Intimidation of witness/victim-evade/ignore summons (general)	M-2	5	m
4952(a)(6)	Intimidation of witness/victim-absent from proceeding, (listed factor & F-1/Murder 1 or 2)	F-1	11	4
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor & F-2)	F-2	9	2
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (listed factor)	F-3	7	1
4952(a)(6)	Intimidation of witness/victim-absent from proceeding (general)	M-2	5	m
4953(a)	Retaliation against witness/victim-listed factor	F-3	8	1
4953(a)	Retaliation against witness/victim-general	M-2	5	m
4953.1(a)	Retaliation against prosecutor/judicial official-listed factor	F-2	9	2
4953.1(a)	Retaliation against prosecutor/judicial official-general	M-1	6	m
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc.	M-2	5	m
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (force, etc.)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (benefit)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (furtherance consp)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (other person)	F-2	7	2
4958(a)(1)	Intimidation child abuse case-knowledge/intent to impede, etc. (prior conv)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report	M-2	5	m
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (force, etc.)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (benefit)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (furtherance consp)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (other person)	F-2	7	2
4958(a)(2)(i)	Intimidation child abuse cases-intimidate/attempt refrain from/cause not report (prior conv)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information	M-2	5	m
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (force, etc.)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (benefit)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (furtherance consp)	F-2	7	2

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4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (other person)	F-2	7	2
4958(a)(2)(ii)	Intimidation child abuse cases-intimidate/attempt withhold information (prior conv)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information	M-2	5	m
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (force, etc.)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (benefit)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (furtherance consp)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (other person)	F-2	7	2
4958(a)(2)(iii)	Intimidation child abuse cases-intimidate/attempt false/misleading information (prior conv)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process	M-2	5	m
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (force)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (benefit)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (furtherance consp)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (other person)	F-2	7	2
4958(a)(2)(iv)	Intimidation child abuse cases-intimidate/attempt evade etc. request/legal process (prior conv)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process	M-2	5	m
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (force)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (benefit)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (furtherance consp)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (other person)	F-2	7	2
4958(a)(2)(v)	Intimidation child abuse cases-intimidate/attempt fail appear/participate legal process (prior conv)	F-2	7	2
4958(b)	Retaliation child abuse cases	M-2	5	m
4958(b)	Retaliation child abuse cases (force)	F-2	8	2
4958(b)	Retaliation child abuse cases (benefit)	F-2	8	2
4958(b)	Retaliation child abuse cases (furtherance consp)	F-2	8	2
4958(b)	Retaliation child abuse cases (other person)	F-2	8	2
4958(b)	Retaliation child abuse cases (prior conv)	F-2	8	2
4958(b.1)	Obstruction child abuse cases	M-2	5	m
4958(b.1)	Obstruction child abuse cases (force)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (benefit)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (furtherance consp)	F-2	7	2

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4958(b.1)	Obstruction child abuse cases (other person)	F-2	7	2
4958(b.1)	Obstruction child abuse cases (prior conv)	F-2	7	2
5101	Obstructing admin. of law/other govt. function	M-2	3	m
5102(a)	Obstructing/impeding justice by picketing	M-2	2	m
5103	Unlawfully listening into deliberations of jury	M-3	1	m
5103.1	<u>Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
5103.1	<u>Use or operate device to capture, record, etc. photograph, video, etc. of proceeding or person in judicial facility or area (2nd/subsq)</u>	<u>M-1</u>	<u>3</u>	<u>m</u>
5104	Resisting arrest, etc.	M-2	2	m
5104.1(a)	Disarming law enforcement officer	F-3	5	1
5105(a)(1)	Hindering apprehension-harbors/conceals	M-2	2	m
5105(a)(1)	Hindering apprehension-harbors/conceals (charge is F1/F2)	F-3	4	1
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension	M-2	2	m
5105(a)(2)	Hindering apprehension-provides aid to avoid apprehension (charge is F1/F2)	F-3	4	1
5105(a)(3)	Hindering apprehension-conceal/destroy evidence	M-2	2	m
5105(a)(3)	Hindering apprehension-conceal/destroy evidence (charge is F1/F2)	F-3	4	1
5105(a)(4)	Hindering apprehension-warn of apprehension	M-2	2	m
5105(a)(4)	Hindering apprehension-warn of apprehension (charge is F1/F2)	F-3	4	1
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc.	M-2	2	m
5105(a)(5)	Hindering apprehension-false info. to law enforcement ofc. (charge is F1/F2)	F-3	4	1
5107(a)	Aiding consummation of crime	M-2	2	m
5107(a)	Aiding consummation of crime (principal off is F1/F2)	F-3	5	1
5108(a)	Compounding	M-2	2	m
5109	Barratry-vex with unjust/vexatious suits	M-3	1	m
5110	Contempt of General Assembly	M-3	1	m
5111(a)(1)	Dealing in proceeds of unlawful activities-intent to promote act	F-1	8	3
5111(a)(2)	Dealing in proceeds of unlawful activities-designed to conceal proceeds	F-1	8	3
5111(a)(3)	Dealing in proceeds of unlawful activities-avoid transaction report req.	F-1	8	3
5112(a)	Obstructing emergency services	M-3	1	m
5121(a)	Permitting/facilitating escape	M-2	3	m
5121(a)	Escape	M-2	3	m
5121(a)*	Escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Escape (all other specified escapes)	F-3	6	1

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5121(a)*	Permitting/facilitating escape (from: halfway house, pre-release ctr., treatment ctr., work-release ctr., work-release, or failure to return from an authorized leave/furlough)	F-3	5	1
5121(a)*	Permitting/facilitating escape (all other specified escapes)	F-3	6	1
5122(a)(1)	Weapons/implements for escape-provide to inmate	M-1	8	m
5122(a)(2)	Weapons/implements for escape-possession by inmate	M-1	4	m
5123(a)	Contraband-provide controlled substance to inmate	F-2	7	2
5123(a.2)	Contraband-possession of controlled substance by inmate	F-2	7	2
5123(b)	Contraband-provide money to inmate	M-3	1	m
5123(c)	Contraband-provide other contraband to inmate	M-1	3	m
5123(c.1)	Contraband-provide telecom. device to inmate	M-1	5	m
5123(c.2)	Contraband-possession of telecom. device by inmate	M-1	3	m
5124(a)	Default in required appearance (felony)	F-3	4	1
5124(a)	Default in required appearance (non-felony)	M-2	2	m
5125	Absconding witness	M-3	1	m
5126(a)	Flight to avoid apprehension (felony)	F-3	5	1
5126(a)	Flight to avoid apprehension (misd.)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee >=16 yrs)	M-2	2	m
5131(a)(1)	Recruiting criminal gang member-solicit/cause/attempt cause (recruitee <16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee >=16 yrs)	M-1	3	1
5131(a)(2)	Recruiting criminal gang member-inflict BI/physical menace/force (recruitee <16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee >=16 yrs)	F-3	5	1
5131(a)(3)	Recruiting criminal gang member-inflict SBI (recruitee <16 yrs)	F-2	7	2
5301(1)	Official oppression-subjects another to arrest, etc.	M-2	2	m
5301(2)	Official oppression-denies another enjoyment of rights	M-2	2	m
5302(1)	Speculating/wagering on official action-acquires pecuniary interest	M-2	2	m
5302(2)	Speculating/wagering on official action-speculates on information	M-2	2	m
5302(3)	Speculating/wagering on official action-aids another	M-2	2	m
5501(1)	Riot-intent to commit felony/misd.	F-3	4	1
5501(2)	Riot-intent to prevent/coerce official action	F-3	4	1
5501(3)	Riot-actor/other plans to use deadly weapon	F-3	4	1
5502	Failure to disperse upon official order	M-2	2	m
5503(a)(1)	Disorderly conduct-frightening/threatening behavior (substantial harm/persist after warning)	M-3	1	m
5503(a)(2)	Disorderly conduct-unreasonable noise (substantial harm/persist after warning)	M-3	1	m

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5503(a)(3)	Disorderly conduct-obscene language (substantial harm/persist after warning)	M-3	1	m
5503(a)(4)	Disorderly conduct-hazardous condition (substantial harm/persist after warning)	M-3	1	m
5506	Loitering and prowling at night time	M-3	1	m
5507(a)	Obstructing highway, etc.-after warning	M-3	1	m
5508	Disrupting meetings and processions	M-3	1	m
5509(a)(1)	Desecration of venerated objects-intentional (public monument, etc.)	M-2	2	m
5509(a)(2)	Desecration of venerated objects-intentional (object of veneration)	M-2	2	m
5509(a)(3)	Desecration of venerated objects-sell veteran's marker	M-2	2	m
5509(a.1)	Desecration of venerated objects-historic burial lots	M-1	3	m
5510	Abuse of corpse	M-2	3	m
[5511(a)(1)]	[Cruelty to animals-own dog that injures service dog]	[M-3]	[1]	[m]
[5511(a)(1)(i)]	[Cruelty to animals-kill/maim domestic animal]	[M-2]	[3]	[m]
[5511(a)(1)(ii)]	[Cruelty to animals-poisons domestic animal]	[M-2]	[3]	[m]
[5511(a)(1)(iii)]	[Cruelty to animals-harasses/injure etc. service/guide dog]	[M-2]	[3]	[m]
[5511(a)(2)(i)]	[Cruelty to animals-kill/maim zoo animal]	[F-3]	[5]	[1]
[5511(a)(2)(ii)]	[Cruelty to animals-poison zoo animal]	[F-3]	[5]	[1]
[5511(a)(2.1)(i)(a)]	[Cruelty to animals-kill/maim dog/cat/service dog (1st off)]	[M-1]	[3]	[m]
[5511(a)(2.1)(i)(a)]	[Cruelty to animals-kill/maim dog/cat/service dog (2nd/subsq off)]	[F-3]	[5]	[1]
[5511(a)(2.1)(i)(b)]	[Cruelty to animals-poison dog/cat (1st off)]	[M-1]	[3]	[m]
[5511(a)(2.1)(i)(b)]	[Cruelty to animals-poison dog/cat (2nd/subsq off)]	[F-3]	[5]	[1]
[5511(c)(1)]	[Cruelty to animals-neglect/mistreat animal in care (2nd/subsq off)]	[M-3]	[1]	[m]
[5511(e.1)]	[Cruelty to animals-transport equines in cruel manner (2nd/subsq off)]	[M-3]	[1]	[m]
[5511(h.1)(1)]	[Cruelty to animals-animal fighting (for amusement/gain)]	[F-3]	[5]	[1]
[5511(h.1)(2)]	[Cruelty to animals-animal fighting (receives compensation)]	[F-3]	[5]	[1]
[5511(h.1)(3)]	[Cruelty to animals-animal fighting (owns fighting animal)]	[F-3]	[5]	[1]
[5511(h.1)(4)]	[Cruelty to animals-animal fighting (encourage/aid/assist)]	[F-3]	[5]	[1]
[5511(h.1)(5)]	[Cruelty to animals-animal fighting (wagers on fight outcome)]	[F-3]	[5]	[1]
[5511(h.1)(6)]	[Cruelty to animals-animal fighting (pays admission)]	[F-3]	[5]	[1]

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[5511(h.1)(7)]	[Cruelty to animals-animal fighting (permits use of animal for fight)]	[F-3]	[5]	[1]
[5511(h.2)]	[Cruelty to animals-possess animal fighting paraphernalia]	[M-3]	[1]	[m]
[5511.2(a)]	[Police animals-illegal to taunt]	[F-3]	[5]	[1]
[5511.2(b)]	[Police animals-illegal to torture]	[F-2]	[7]	[2]
[5511.3]	[Assault w/ biological agent on animal/fowl/honey bee]	[F-2]	[7]	[2]
<u>5532(a)(1)*</u>	<u>Neglect of animal-fails to provide sustenance/water (cause BI/risk SBI)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5532(a)(1)*</u>	<u>Neglect of animal-violates 5536 tethering an unattended dog (cause BI/risk SBI)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5532(a)(2)</u>	<u>Neglect of animal-fails to provide shelter (cause BI/risk SBI)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5532(a)(3)</u>	<u>Neglect of animal -fails to provide veterinary care (cause BI/risk SBI)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc. (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc.: violates 5542(a) animal mutilation cropping of ear (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc.: violates 5542(b) animal mutilation debarking (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc.: violates 5542(c) animal mutilation docking of tail (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc.: violates 5542(d) animal mutilation surgical birth (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5533(a)*</u>	<u>Cruelty to animal-abuse, abandon, etc.: violates 5542(e) animal mutilation dewclawing (cause BI/risk SBI)</u>	<u>M-2</u>	<u>2</u>	<u>m</u>
<u>5534(a)(1)</u>	<u>Aggravated cruelty to animal-tortures animal</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5534(a)(2)*</u>	<u>Aggravated cruelty to animal-violates 5532 (cause SBI/death)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>5534(a)(2)*</u>	<u>Aggravated cruelty to animal-violates 5533 (cause SBI/death)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
<u>5535(a)</u>	<u>Attack of service, guide, or support dog</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5539</u>	<u>Transporting equine animals in cruel manner (2nd/subsq)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5543(1)</u>	<u>Animal fighting (for amusement/gain)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(2)</u>	<u>Animal fighting (receives compensation)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(3)</u>	<u>Animal fighting (owns fighting animal)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(4)</u>	<u>Animal fighting (encourage/aid/assist)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(5)</u>	<u>Animal fighting (wagers on fight outcome)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(6)</u>	<u>Animal fighting (pays admission)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5543(7)</u>	<u>Animal fighting (permits use of animal for fight)</u>	<u>F-3</u>	<u>5</u>	<u>1</u>
<u>5544</u>	<u>Possession of animal fighting paraphernalia</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
<u>5548(a)</u>	<u>Police animals-illegal to taunt</u>	<u>F-3</u>	<u>5</u>	<u>1</u>

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5548(b)	Police animals-illegal to torture	F-2	7	2
5549(a)	Assault with biological agent on animal/fowl/honey bees	F-2	7	2
5512(b)(1)	Lotteries-set up unlawful game	M-1	3	m
5512(b)(2)	Lotteries-manuf./etc. unlawful tickets	M-1	3	m
5512(b)(3)	Lotteries-publish advertisement	M-1	3	m
5513(a)(1)	Gambling devices-intentionally makes gambling device	M-1	3	m
5513(a)(2)	Gambling devices-allows assemble for gambling	M-1	3	m
5513(a)(3)	Gambling devices-solicits/invites person for gambling	M-1	3	m
5513(a)(4)	Gambling devices-allows gambling on premises	M-1	3	m
5513(a.1)(1)	Gambling devices-electronic video monitor: indirect or direct consideration	M-1	3	m
5513(a.1)(2)	Gambling devices-electronic video monitor: player eligible for prize	M-1	3	m
5514(1)	Pool selling and bookmaking-engage in	M-1	3	m
5514(2)	Pool selling and bookmaking-occupy place	M-1	3	m
5514(3)	Pool selling and bookmaking-receives bet on political outcome	M-1	3	m
5514(4)	Pool selling and bookmaking-custodian of property wagered (for gain)	M-1	3	m
5514(5)	Pool selling and bookmaking-knowingly permit premises to be used	M-1	3	m
5515(b)(1)	Prohibiting of paramilitary training-teaching	M-1	3	m
5515(b)(2)	Prohibiting of paramilitary training-assembles for training	M-1	3	m
5516(a)(1)	Facsimile weapons of mass destruction-terrifying/etc. individual	F-3	5	1
5516(a)(2)(i)	Facsimile weapons of mass destruction-reaction of org. wh/ deals w/ emergency	F-3	5	1
5516(a)(2)(ii)	Facsimile weapons of mass destruction-reaction of law enforcement agency	F-3	5	1
5516(a)(3)	Facsimile weapons of mass destruction-serious public inconvenience	F-3	5	1
5517(a)	Unauthorized school bus entry	M-3	1	m
5703	Interception of wire/oral communication	F-3	5	1
5703(1)	Interception of wire/oral communication-intentionally intercepts	F-3	5	1
5703(2)	Interception of wire/oral communication-discloses contents	F-3	5	1
5703(3)	Interception of wire/oral communication-use contents	F-3	5	1
5705(1)	Possess/etc. of interception devices-intentionally possess/etc.	F-3	5	1
5705(2)	Possess/etc. of interception devices-intentionally sells/etc.	F-3	5	1
5705(3)	Possess/etc. of interception devices-intentionally manufactures/etc.	F-3	5	1
5705(4)	Possess/etc. of interception devices-intentionally advertises/etc.	F-3	5	1

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5719	Unlawful use of order concerning intercepted communications	M-2	2	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (1st off)	M-3	1	m
5741(a)(1)	Unlawf. access stored communications-access w/o authority-for gain (2nd/subsq off)	M-2	2	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (1st off)	M-3	1	m
5741(a)(2)	Unlawf. access stored communications-exceed authorization-for gain (2nd/subsq off)	M-2	2	m
5771(a)	Prohibit pen register & trap/trace device	M-3	1	m
5901	Open lewdness	M-3	1	m
5902(a)(1)	Prostitution-business (1st/2nd off)	M-3	1	m
5902(a)(1)	Prostitution-business (3rd off)	M-2	3	m
5902(a)(1)	Prostitution-business (4th/subsq off)	M-1	4	m
5902(a)(1)	Prostitution-business (HIV positive/AIDS)	F-3	7	1
5902(a)(2)	Prostitution (1st/2nd off)	M-3	1	m
5902(a)(2)	Prostitution (3rd off)	M-2	3	m
5902(a)(2)	Prostitution (4th/subsq off)	M-1	4	m
5902(a)(2)	Prostitution (HIV positive/AIDS)	F-3	7	1
5902(b)(1)	Promoting prostitution-own house/business	F-3	5	1
5902(b)(2)	Promoting prostitution-procure prostitute for house	F-3	5	1
5902(b)(3)	Promoting prostitution-encourage prostitution	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron	M-2	3	m
5902(b)(4)	Promoting prostitution-solicit patron (compel)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (HIV positive/AIDS)	F-3	5	1
5902(b)(4)	Promoting prostitution-solicit patron (spouse/child/ward)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute	M-2	3	m
5902(b)(5)	Promoting prostitution-procure prostitute (compel)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(5)	Promoting prostitution-procure prostitute (spouse/child/ward)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute	M-2	3	m
5902(b)(6)	Promoting prostitution-transport prostitute (compel)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (HIV positive/AIDS)	F-3	5	1
5902(b)(6)	Promoting prostitution-transport prostitute (spouse/child/ward)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution	M-2	3	m
5902(b)(7)	Promoting prostitution-provide place for prostitution (compel)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (HIV positive/AIDS)	F-3	5	1
5902(b)(7)	Promoting prostitution-provide place for prostitution (spouse/child/ward)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit	M-2	3	m

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5902(b)(8)	Promoting prostitution-receive benefit (compel)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (HIV positive/AIDS)	F-3	5	1
5902(b)(8)	Promoting prostitution-receive benefit (spouse/child/ward)	F-3	5	1
5902(b.1)(1)*	Promoting prostitution of minor-business (16-<18 yrs)	F-3	6	1
5902(b.1)(1)*	Promoting prostitution of minor-business (<16 yrs)	F-3	8	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (16-<18 yrs)	F-3	6	1
5902(b.1)(2)*	Promoting prostitution of minor-procure (<16 yrs)	F-3	8	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (16-<18 yrs)	F-3	6	1
5902(b.1)(3)*	Promoting prostitution of minor-induce (<16 yrs)	F-3	8	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (16-<18 yrs)	F-3	6	1
5902(b.1)(4)*	Promoting prostitution of minor-solicit minor to patronize (<16 yrs)	F-3	8	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (16-<18 yrs)	F-3	6	1
5902(b.1)(5)*	Promoting prostitution of minor-procure minor prostitute for patron (<16 yrs)	F-3	8	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(6)*	Promoting prostitution of minor-transport minor for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (16-<18 yrs)	F-3	6	1
5902(b.1)(7)*	Promoting prostitution of minor-provide place for prostitution (<16 yrs)	F-3	8	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (16-<18 yrs)	F-3	6	1
5902(b.1)(8)*	Promoting prostitution of minor-receive benefit (<16 yrs)	F-3	8	1
5902(d)	Living off prostitutes	M-2	3	m
5902(d)	Living off prostitutes (compel)	F-3	5	1
5902(d)	Living off prostitutes (HIV positive/AIDS)	F-3	5	1
5902(d)	Living off prostitutes (spouse/child/ward)	F-3	5	1
5902(e)	Patronizing prostitutes (1st/2nd off)	M-3	1	m
5902(e)	Patronizing prostitutes (3rd off)	M-2	3	m
5902(e)	Patronizing prostitutes (4th/subsq off)	M-1	4	m
5902(e)	Patronizing prostitutes (HIV positive/AIDS)	F-3	7	1
5903(a)(1)	Obscene materials-display (1st off & not for resale)	M-1	3	m
5903(a)(1)	Obscene materials-display (2nd/subsq off or for resale)	F-3	5	1
5903(a.1)	Obscene materials-disseminate via elec. comm. (1st off & not for resale)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm. att. evade prosec. (1st) (additional penalty)	M-1	3	m
5903(a.1)	Obscene materials-disseminate via elec. comm: att. evade prosec. (2nd) (additional penalty)	M-1	3	m

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5903(a)(2)	Obscene materials-sell (1st off & not for resale)	M-1	3	m
5903(a)(2)	Obscene materials-sell (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(i)	Obscene materials-design (1st off & not for resale)	M-1	3	m
5903(a)(3)(i)	Obscene materials-design (2nd/subsq off or for resale)	F-3	5	1
5903(a)(3)(ii)	Obscene materials-design: minor depicted (1st off & not for resale)	M-1	4	m
5903(a)(3)(ii)	Obscene materials-design: minor depicted (2nd/subsq off or for resale)	F-3	6	1
5903(a)(4)(i)	Obscene materials-prepare ad (1st off & not for resale)	M-1	3	m
5903(a)(4)(i)	Obscene materials-prepare ad (2nd/subsq off or for resale)	F-3	5	1
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (1st off & not for resale)	M-1	4	m
5903(a)(4)(ii)	Obscene materials-prepare ad: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(5)(i)	Obscene materials-produce performance (1st off & not for resale)	M-1	3	m
5903(a)(5)(i)	Obscene materials-produce performance (2nd/subsq off or for resale)	F-3	5	1
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (1st off & not for resale)	M-1	4	m
5903(a)(5)(ii)	Obscene materials-produce performance: minor included (2nd/subsq off or for resale)	F-3	6	1
5903(a)(6)	Obscene materials-use minor to assist (1st off & not for resale)	M-1	4	m
5903(a)(6)	Obscene materials-use minor to assist (2nd/subsq off or for resale)	F-3	6	1
5903(a)(7)	Obscene materials-deliver to correctnl facility (1st off & not for resale)	M-1	3	m
5903(a)(7)	Obscene materials-deliver to correctnl facility (2nd/subsq off or for resale)	F-3	5	1
5903(a)(8)	Obscene materials-inmate possesses (1st off & not for resale)	M-1	3	m
5903(a)(8)	Obscene materials-inmate possesses (2nd/subsq off or for resale)	F-3	5	1
5903(a)(9)	Obscene materials-permit into correctnl inst (1st off & not for resale)	M-1	3	m
5903(a)(9)	Obscene materials-permit into correctnl inst (2nd/subsq off or for resale)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (1st off)	F-3	5	1
5903(c)(1)	Obscene materials-disseminate pictures to minors (2nd/subsq off)	F-2	7	2
5903(c)(2)	Obscene materials-disseminate print/audio to minors (1st off)	F-3	5	1
5903(c)(2)	Obscene materials-disseminate print/audio to minors (2nd/subsq off)	F-2	7	2
5903(d)	Obscene materials-admit minor to show (1st off)	F-3	5	1
5903(d)	Obscene materials-admit minor to show (2nd/subsq off)	F-2	7	2

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5903(f)	Obscene materials-require sale	M-1	3	m
5904	Public exhibition of insane/deformed person	M-2	2	m
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1))	F-2	10	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (previous conviction)	F-1	11	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (loaded/ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	11	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1))	F-2	9	2
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (previous conviction)	F-1	10	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated felony or drug felony (unloaded/no ammo available) ((a.1)(1)) (possession/control of firearm or within reach)	F-1	10	3
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (loaded/ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: convicted of enumerated misd. (unloaded/no ammo available) ((a.1)(1))	M-1	3	1
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (loaded/ammo available) ((a.1)(2)(i))	M-3	2	m
6105(a)(1)*	Firearms-persons not to possess: accept w/PFA (unloaded/no ammo available) ((a.1)(2)(i))	M-3	1	m
6105(a)(1) [*]	Firearms-persons not to possess: fail to relinquish w/PFA [(loaded/ammo available)] ((a.1)(2))	[M-1] <u>M-2</u>	[5] <u>4</u>	1
[6105(a)(1)*]	[Firearms-persons not to possess: fail to relinquish w/PFA (unloaded/no ammo available) ((a.1)(2))]	[M-1]	[4]	[1]
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (loaded/ammo available) ((a.1)(5))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: return to person w/PFA (unloaded/no ammo available) ((a.1)(5))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (loaded/ammo available) ((c)(1))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: fugitive from justice (unloaded/no ammo available) ((c)(1))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (loaded/ammo available) ((c)(2))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: convicted of drug misdemeanor (unloaded/no ammo available) ((c)(2))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (loaded/ammo available) ((c)(3))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: convicted of DUI (unloaded/no ammo available) ((c)(3))	M-1	5	1

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6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (loaded/ammo available) ((c)(4))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: incompetent/mental illness (unloaded/no ammo available) ((c)(4))	M-1	4	1
6105(a)(1)*	Firearms-persons not to possess: alien (loaded/ammo available) ((c)(5))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: alien (unloaded/no ammo available) ((c)(5))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: active PFA (loaded/ammo available) ((c)(6))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: active PFA (unloaded/no ammo available) ((c)(6))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(7))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(7))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (loaded/ammo available) ((c)(8))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: adjudicated delinquent (unloaded/no ammo available) ((c)(8))	M-1	5	1
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (loaded/ammo available) ((c)(9))	M-1	6	1
6105(a)(1)*	Firearms-persons not to possess: other under U.S.C. (unloaded/no ammo available) ((c)(9))	M-1	5	1
6105.2(a)(1)	Firearms-persons not to possess: relinquishment of firearms/licenses by convicted persons	M-2	4	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (loaded/ammo available)	F-3	9	1
6106(a)(1)*	Firearms-carried w/o license: ineligible (unloaded/no ammo available)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license: eligible (loaded/ammo available & crim act.)	F-3	9	1
6106(a)(2)*	Firearms-carried w/o license: eligible (unloaded/no ammo available & crim act.)	F-3	7	1
6106(a)(2)*	Firearms-carried w/o license (loaded/ammo available/no other crim. act.)	M-1	4	1
6106(a)(2)*	Firearms-carried w/o license (unloaded/no ammo available/ no other crim. act.)	M-1	3	1
6107(a)	Firearms-prohibited conduct during emergency	M-1	3	1
6108*	Firearms-carrying in Philadelphia (loaded/ammo available)	M-1	5	1
6108*	Firearms-carrying in Philadelphia (unloaded/no ammo available)	M-1	4	1
6110.1(a)	Firearms-possession by minor	M-1	3	1
6110.1(c)	Firearms-delivery to minor by adult	F-3	7	1
6110.2(a)*	Firearms-possession w/ altered mfr. num. (loaded/ammo available)	F-2	10	2
6110.2(a)*	Firearms-possession w/ altered mfr. num. (unloaded/no ammo available)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs	M-2	2	m

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6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (2nd/subsq off)	F-2	9	2
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (false statements)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (inappropriate use of crim history)	F-3	5	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (sell to ineligible)	F-3	8	1
6111(a)(1)	Firearms-sale/transfer: deliver before 48 hrs (unlawful crim history request)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check	M-2	2	m
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (2nd/subsq off)	F-2	9	2
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (false statements)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (inappropriate use of crim history)	F-3	5	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (sell to ineligible)	F-3	8	1
6111(a)(2)	Firearms-sale/transfer: deliver w/o crim history check (unlawful crim history request)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale	M-2	2	m
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (2nd/subsq off)	F-2	9	2
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (false statements)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (inappropriate use of crim history)	F-3	5	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (sell to ineligible)	F-3	8	1
6111(b)(1)	Firearms-sale/transfer: full app/record of sale (unlawful crim history request)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee	M-2	2	m
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (2nd/subsq off)	F-2	9	2
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (false statements)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (inappropriate use of crim history)	F-3	5	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (sell to ineligible)	F-3	8	1
6111(b)(1.2)	Firearms-sale/transfer: transmit fee (unlawful crim history request)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer	M-2	2	m
6111(c)	Firearms-sale/transfer: thru licensed dealer (2nd/subsq off)	F-2	9	2
6111(c)	Firearms-sale/transfer: thru licensed dealer (false statements)	F-3	8	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (inappropriate use of crim history)	F-3	5	1
6111(c)	Firearms-sale/transfer: thru licensed dealer (sell to ineligible)	F-3	8	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6111(c)	Firearms-sale/transfer: thru licensed dealer (unlawful crim history request)	F-3	5	1
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person	F-3	8	1
6111(g)(2)	Firearms-sale/transfer: to unqualified or ineligible person (2nd/subsq off)	F-2	9	2
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID	F-3	8	1
6111(g)(4)	Firearms-sale/transfer: false statements, materials, ID (2nd/subsq off)	F-2	9	2
6112	Firearms-dealer to be licensed	M-1	3	1
6113(a)(1)	Firearms-dealer license: sell in undesignated area	M-1	3	1
6113(a)(2)	Firearms-dealer license: fail to display license	M-1	3	1
6113(a)(3)	Firearms-dealer license: violation of act	M-1	3	1
6113(a)(4)	Firearms-dealer license: w/o knowledge of purchaser	M-1	3	1
6113(a)(5)	Firearms-dealer license: fail to keep record	M-1	3	1
6113(a)(6)	Firearms-dealer license: display firearm in public view	M-1	3	1
6115(a)	Firearms-lending prohibited	M-1	3	1
6116	Firearms-give false info/identity for purchase	M-1	3	1
6117(a)	Firearms-alter mfr. number/ID	F-2	7	2
6121(a)	Firearms-certain bullets prohibited	F-3	5	1
6122	Firearms-proof of license	M-1	3	1
6161(a)	Carrying explosives on conveyances	M-2	3	m
6162(a)	Shipping explosives	M-3	3	m
6301(a)(1)(i)	Corruption of minors	M-1	4	m
6301(a)(1)(ii)	Corruption of minors-course of conduct (of a sexual nature)	F-3	6	1
6301(a)(2)	Corruption of minors-encourage 2nd truancy in one year	M-3	1	m
6302(a)	Sale/lease of weapons/explosives (to minor)	M-1	4	m
6303(a)	Sale of starter pistols-to minors	M-1	4	m
6304(a)(1)	Sale/use of air rifles-sale or transfer (to minor)	M-3	1	m
6307(a)	Misrepresentation of age to secure alcohol (2nd/subsq off)	M-3	1	m
6309(a)	Representing that minor is of age	M-3	1	m
6310(a)	Inducement of minors to buy liquor/beer	M-3	1	m
6310.1(a)	Selling/furnishing liquor/beer to minors	M-3	1	m
6310.2(a)	Manufacture/sale of false ID card	M-2	2	m
6310.3(a)	Carrying a false ID card (2nd/subsq off)	M-3	1	m
6311(a)	Tattooing a minor (1st off)	M-3	1	m
6311(a)	Tattooing a minor (2nd/subsq off)	M-2	2	m
6311(b)	Body piercing a minor (1st off)	M-3	1	m
6311(b)	Body piercing a minor (2nd/subsq off)	M-2	2	m
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (13-<18 yrs)	F-2	8	2
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts (<13 yrs or determination of prepubescence)	F-2	9	2

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (13-<18 yrs)	F-1	10	3
6312(b)*	Sexual abuse of children-photographing/etc. sexual acts: when indecent contact depicted (<13 yrs or determination of prepubescence)	F-1	10	3
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (1st off)	F-3	6	1
6312(c)*	Sexual abuse of children-dissemination (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(c)*	Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (1st off)	F-3	7	1
6312(c)*	Sexual abuse of children-dissemination (<13 yrs or determination of prepubescence) (2nd/subsq off)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (1st offense)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (13-<18 yrs) (2nd/subsq offense)	F-2	10	2
6312(c)*	Sexual abuse of children-dissemination: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense)	F-2	9	2
6312(c)*	Sexual abuse of children-dissemination: indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense)	F-2	10	2
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (1st off)	F-3	6	1
6312(d)*	Sexual abuse of children-possess child pornography (13-<18 yrs) (2nd/subsq off)	F-2	8	2
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (1st off)	F-3	7	1
6312(d)*	Sexual abuse of children-possess child pornography (<13 yrs or determination of prepubescence) (2nd/subsq off)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (1st offense)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (13-<18) (2nd/subsq offense)	F-2	10	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (1st offense)	F-2	9	2
6312(d)*	Sexual abuse of children-possess child pornography: when indecent contact depicted (<13 yrs or determination of prepubescence) (2nd/subsq offense)	F-2	10	2
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(1)	Unlaw. contact w/ minor-sexual offenses (underlying offense <F-3)	F-3	6	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(2)	Unlaw. contact w/ minor-open lewdness (underlying offense <F-3)	F-3	6	1
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(3)	Unlaw. contact w/ minor-prostitution (underlying offense <F-3)	F-3	6	1
6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(4)	Unlaw. contact w/ minor-sexual materials (underlying offense <F-3)	F-3	6	1
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(5)	Unlaw. contact w/ minor-sexual abuse (underlying offense <F-3)	F-3	6	1
6318 (a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense=F-3 or greater)	Same as underlying offense	same as underlying offense, or OGS 6, whichever is greater	same as underlying offense, or 1, whichever is greater
6318(a)(6)	Unlaw. contact w/ minor-sexual exploitation (underlying offense <F-3)	F-3	6	1
6319(a)	Solicitation of minors to traffic drugs-general	F-2	9	2
6319(b)	Solicitation of minors to traffic drugs-drug-free school zone	F-1	10	3
6320	Sexual exploitation of children	F-2	9	2
6321(b)	Transmission, sexually explicit image by minor-of another minor (victim >=12 yrs)	M-3	1	m
6321(c)(1)	Transmission, sexually explicit image by minor-w/ intent to harass: makes depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6321(c)(2)	Transmission, sexually explicit image by minor-w/ intent to harass: transmits depiction of minor w/ nudity w/o knowledge and consent	M-2	3	m
6501(a)(1)	Scattering rubbish-upon land/stream (2nd/subsq off)	M-3	1	m
6501(a)(2)	Scattering rubbish-interferes w/ contents of receptacle (2nd/subsq off)	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6501(a)(3)	Scattering rubbish-deposit trash on street (2nd/subsq off)	M-1	3	m
6501(a)(3)	Scattering rubbish-deposit trash on street (1st off)	M-2	2	m
6504	Public nuisances	M-2	2	m
6701(b)(1)	<u>Misrepresentation of military service</u>	M-3	<u>1</u>	<u>m</u>
6701(b)(2)	<u>Misrepresentation of military honors</u>	M-3	<u>1</u>	<u>m</u>
6703	Dealing in military decorations	M-3	1	m
6707	False registration of domestic animals	M-3	1	m
6709(1)	Use of union labels-insignia	M-3	1	m
6709(2)	Use of union labels-nonunion product	M-3	1	m
6709(3)	Use of union labels-not authorized by union	M-3	1	m
6901	Extension of water line-w/o permit	M-3	1	m
6910(a)	Unauthorized sale of tickets	M-3	1	m
7102	Administer drugs to race horses	M-1	3	m
7103(a)	Horse racing	M-3	1	m
7104(a)	Fortune telling-for gain or lucre	M-3	1	m
7107(a)(1)	Unlawf. action by athlete agent-prior to eligibility expired	M-1	3	m
7107(a)(2)	Unlawf. action by athlete agent-give prior to eligibility expired	M-1	3	m
7107(a)(3)	Unlawf. action by athlete agent-agreement w/ univ. employee for referral	M-1	3	m
7302(a)	Sale of solidified alcohol	M-2	2	m
7302(b)	Labeling of solidified alcohol	M-1	3	m
7303(a)	Sale/illegal use of certain solvents-smell/inhale toxic subst	M-3	1	m
7303(c)	Sale/illegal use of certain solvents-possess solvent for toxic vapors	M-3	1	m
7303(d)	Sale/illegal use of certain solvents-sell solvent for toxic vapors	M-3	1	m
7306(a)	Incendiary devices	M-1	3	m
7307	Out-of-state convict made goods-sell/exchange	M-2	2	m
7308(a)	Unlawful advertising of insurance business	M-2	2	m
7309(a)	Unlawful coercion in contracting insurance	M-1	3	m
7310(a)	Furnishing free insurance as inducement for purchase	M-3	1	m
7311(a)	Unlawful collection agency practices-assignment of claims	M-3	1	m
7311(b)	Unlawful collection agency practices-appearance for creditor	M-3	1	m
7311(b.1)	Unlawful collection agency practices-unfair/deceptive methods	M-3	1	m
7311(c)	Unlawful collection agency practices-unlaw. furnish legal services	M-3	1	m
7311(d)	Unlawful collection agency practices-unlaw. service for debtor	M-3	1	m
7311(e)	Unlawful collection agency practices-unlaw. solicit job for attorney	M-3	1	m

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7311(f)	Unlawful collection agency practices-unlaw. coercion/intimidation	M-3	1	m
7312(a)	Debt pooling	M-3	1	m
7313(a)	Buying/exchanging [food stamps] SNAP benefits (>=\$1,000)	F-3	5	1
7313(a)	Buying/exchanging [food stamps] SNAP benefits (<\$1,000)	M-1	3	m
7314(a)	Fraudulent traffic in [food orders] SNAP benefits (>=[\$1,000] \$2,500)	[F-3] F-2	[5] 7	[1] 2
7314(a)	Fraudulent traffic in SNAP benefits (\$1,000-<\$2,500)	F-3	5	1
7314(a)	Fraudulent traffic in [food orders] SNAP benefits (<\$1,000)	M-1	3	m
7316(a)	Keeping bucket-shop	M-3	1	m
7317(a)	Accessories in conduct of bucket-shop	M-3	1	m
7318(a)	Maintaining premises of bucket-shop	M-3	1	m
7319(b)	Bucket-shop contracts	M-3	1	m
7321(a)	Lie detector tests-require for employment	M-2	2	m
7322	Demanding property/money to secure employment	M-3	1	m
7323	Discrimination on account of U.S. armed forces uniform	M-2	2	m
7324(b)	Unlaw. sale of dissertations/etc.-sale of assistance	M-3	1	m
7324(c)	Unlaw. sale of dissertations/etc.-sale of assignment	M-3	1	m
7324(d)	Unlaw. sale of dissertations/etc.-distribution for sale	M-3	1	m
7326(a)	Disclosure of confidential tax information	M-3	1	m
7328(a)	Operation of unauthorized bottle club	M-3	1	m
7503(a)	Architects/engineers-interest in public works contracts	M-3	1	m
7504(a)	Appointment of special police	M-3	1	m
7507	Breach of privacy-use stress monitor w/o consent	M-2	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (single violation)	M-3	2	m
7507.1(a)(1)	Invasion of privacy-view/photograph person w/o consent (>1 violation)	M-2	3	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (single violation)	M-3	2	m
7507.1(a)(2)	Invasion of privacy-view/photograph intimate parts w/o consent (>1 violation)	M-2	3	m
7507.1(a)(3)	Invasion of privacy-transfer image (single violation)	M-3	2	m
7507.1(a)(3)	Invasion of privacy-transfer image (>1 violation)	M-2	3	m
7508.2(a)	Operate meth lab-cause chemical reaction	F-2	8	2
7508.2(a)	Operate meth lab-cause chemical reaction (w/in 1000 ft of school)	F-1	9	3
7509(a)	Furnishing drug-free urine: unlaw. sale	M-3	1	m
7509(b)	Furnishing drug-free urine: unlaw. use	M-3	1	m
7510(a)	Municipal housing code avoidance (4th off)	M-2	2	m
7510(a)	Municipal housing code avoidance (5th/subsq off)	M-1	3	m
7512(a)	Criminal use of communication facility	F-3	5	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7515(a)(1)	Contingent compensation-compensate other	M-3	1	m
7515(a)(2)	Contingent compensation-agree to lobby	M-3	1	m
7516(a)	Greyhound racing-for remuneration	M-1	3	m
7517(b)	Commemorative service demonstration activities	M-3	1	m
7611(a)(1)	Unlawful use of computer-access w/ intent to disrupt function	F-3	7	1
7611(a)(2)	Unlawful use of computer-access/interfere/damage/destroy	F-3	7	1
7611(a)(3)	Unlawful use of computer-provide password/ID code/PIN/etc.	F-3	7	1
7612(a)	Disruption of computer service	F-3	7	1
7613(a)	Computer theft	F-3	7	1
7614(a)	Unlawful duplication (>\$2500)	F-2	7	2
7614(a)	Unlawful duplication (<=\$2500)	F-3	5	1
7615(a)(1)	Computer trespass-remove data/programs	F-3	7	1
7615(a)(2)	Computer trespass-cause malfunction	F-3	7	1
7615(a)(3)	Computer trespass-alter/erase data	F-3	7	1
7615(a)(4)	Computer trespass-transfer funds	F-3	7	1
7615(a)(5)	Computer trespass-cause physical injury to property	F-3	7	1
7616(a)(1)	Distribution of a computer virus-prevent/disrupt operation	F-3	7	1
7616(a)(2)	Distribution of a computer virus-degrade/destroy performance	F-3	7	1
7622	Duty of internet provider-disable child porn access (1st off)	M-3	1	m
7622	Duty of internet provider-disable child porn access (2nd off)	M-2	2	m
7622	Internet service provider-disable child porn access (3rd/subsq off)	F-3	5	1
7641(a)	Computer-assisted remote harvesting of animals	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify	M-3	1	m
7661(a)(1)	Unlaw. transmis. email-forge/falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(1)	Unlaw. transmis. email-forge/falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify	M-3	1	m
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(i)	Unlaw. transmis. email-sell software to falsify (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose	M-3	1	m
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (malicious damage; >=\$2500)	F-3	7	1
7661(a)(2)(ii)	Unlaw. transmis. email-sell software w/ limited purpose (reckless damage; >=\$2500)	M-1	5	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify	M-3	1	m
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (malicious damage; >=\$2500)	F-3	7	1

<i>18 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
7661(a)(2)(iii)	Unlaw. transmis. email-sell software known to falsify (reckless damage; >=\$2500)	M-1	5	m
7702(1)	Owning/operating/conducting a chop shop	F-2	7	2
7702(2)	Owning/operating/conducting a chop shop-transfer/sell vehicle	F-2	7	2
7703	Altered or illegally obtained property-veh ID num	F-3	5	1
7704	Altered or illegally obtained property-disposition	F-3	5	1

*=subcategorized offenses. See § 303.3(b)

m=other misdemeanor offense. See § 303.7(a)(5)

Inchoates=Inchoate to 4 point PRS offenses. See § 303.7(a)(5)

See §§ 303.7(c) and 303.8(b) for all other inchoates

**MISCELLANEOUS OFFENSES
(Child Abuse Reporting)**

<i>23 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4354(d)(2)	Willful failure to pay child support (special circumstances)	M-3	1	m
[6319(a)(2)(i)]	[Failure to report or to refer suspected child abuse-willfully fails to report]	[F-3]	[5]	[1]
[6319(a)(2)(ii)]	[Failure to report or to refer suspected child abuse-abuse constitutes F-1 or higher]	[F-3]	[5]	[1]
[6319(a)(2)(iii)]	[Failure to report or to refer suspected child abuse-has direct knowledge of nature of abuse]	[F-3]	[5]	[1]
6319(a)(3)	Failure to report or to refer suspected child abuse	M-2	2	m
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action	M-1	3	m
6319(b)	Failure to report or to refer suspected child abuse-continuing course of action (child abuse if F-1 or higher)	F-3	5	1
6319(c)	Failure to report or to refer suspected child abuse (2nd/subsq)	F-3	6	1
6319(c)	Failure to report or to refer suspected child abuse-child abuse if F-1 or higher (2nd/subsq)	F-2	7	2
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (1st violation)	M-3	2	m
6346(b)	Willful failure to cooperate in investigation of suspected child abuse (subsq violation)	M-2	3	m

m=other misdemeanor offense. See § 303.7(a)(5)

OPERATION OF BOATS

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (2nd off)	M	1	1

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a)(1)	Oper. watercraft under influence-general impairment/incapable of safe operation (3rd/subsq off)	M-2	3	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (2nd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: refused testing (3rd/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/BI/SBI/death (4th/subsq off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (1st off)	M	1	m
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (2nd off)	M	1	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (3rd off)	M-1	5	1
5502(a)(1)	Oper. watercraft under influence-incapable of safe operation: accident w/ damage (4th/subsq off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (1st off)	M	1	m
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (2nd off)	M	1	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (3rd off)	M-1	5	1
5502(a.1)	Oper. watercraft under influence-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	M-1	5	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (1st off)	M	1	m
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (2nd off)	M	1	1
5502(a)(2)	Oper. watercraft under influence-general impairment: BAC .08-<.10 (3rd/subsq off)	M-2	3	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
5502(a.2)	Oper. watercraft under influence-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (1st off)	M	1	m
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (2nd off)	M-1	5	1
5502(a.3)(1)(i)	Oper. watercraft under influence-controlled substances: Sched I (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (1st off)	M	1	m

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (2nd off)	M-1	5	1
5502(a.3)(1)(ii)	Oper. watercraft under influence-controlled substances: Sched II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
5502(a.3)(1)(iii)	Oper. watercraft under influence-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (1st off)	M	1	m
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(2)	Oper. watercraft under influence-controlled substances & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (1st off)	M	1	m
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (2nd off)	M-1	5	1
5502(a.3)(3)	Oper. watercraft under influence-controlled substances & alcohol & incapable of safe operation (3rd/subsq off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (1st off)	M	1	m
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (2nd off)	M-1	5	1
5502(a.3)(4)	Oper. watercraft under influence-controlled substances: solvent, etc. (3rd/subsq off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (1st off)	M	1	m
5502(a.4)	Oper. watercraft under influence-minor operator (2nd off)	M	1	1
5502(a.4)	Oper. watercraft under influence-minor operator (3rd off)	M-1	5	1
5502(a.4)	Oper. watercraft under influence-minor operator (4th/subsq off)	M-1	5	1
5502.1(a)	Homicide by watercraft while operating under influence	F-2	10	2
5502.2*	Homicide by watercraft (when there is a conviction for operating under the influence)	M-1	8	1
5502.2*	Homicide by watercraft (when there is not a conviction for operating under the influence)	M-1	6	1
5502.3(a)	Aggravated assault by watercraft while operating under influence	F-2	7	2
5507(a)	Duties of operators involved in boating accidents-stop	M-1	3	m
5507(a)	Duties of operators involved in boating accidents-stop (death)	F-3	5	1
5507(b)	Duties of operators involved in boating accidents-give information	M-1	3	m
5507(b)	Duties of operators involved in boating accidents-give information (death)	F-3	5	1
5507(c)	Duties of operators involved in boating accidents-render aid	M-1	3	m

<i>30 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
5507(c)	Duties of operators involved in boating accidents-render aid (death)	F-3	5	1
5507(d)	Duties of operators involved in boating accidents-stay	M-1	3	m
5507(d)	Duties of operators involved in boating accidents-stay (death)	F-3	5	1

*=subcategorized offenses. See § 303.3(b)

m=other misdemeanor offense. See § 303.7(a)(5)

DRUG ACT OFFENSES

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (1st off)	M	4	m
(a)(1)	Manufacture/sale/delivery-adulterated controlled substance (2nd/subsq off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (1st off)	M	4	m
(a)(2)	Adulterate/misbrand-controlled substance (2nd/subsq off)	M	4	m
(a)(3)	False/misleading advertisement (1st off)	M	4	m
(a)(3)	False/misleading advertisement (2nd/subsq off)	M	4	m
(a)(4)	Removal/disposal-detained substance (1st off)	M	5	m
(a)(4)	Removal/disposal-detained substance (2nd/subsq off)	M	5	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (1st off)	M	4	m
(a)(5)	Adulterate/destroy label-controlled substance for sale (2nd/subsq off)	M	4	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (1st off)	M	5	m
(a)(6)	Forge/counterfeit w/ mark/ID symbol (2nd/subsq off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (1st off)	M	5	m
(a)(7)	Place trademark on controlled substance to defraud (2nd/subsq off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (1st off)	M	5	m
(a)(8)	Selling controlled substance w/ defrauded trademark (2nd/subsq off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (1st off)	M	5	m
(a)(9)	Selling trademark equipment to defraud (2nd/subsq off)	M	5	m
(a)(10)	Illegal sale of nonproprietary drug (1st off)	M	4	m
(a)(10)	Illegal sale of nonproprietary drug (2nd/subsq off)	M	4	m
(a)(11)	Illegal pharmacy operations (1st off)	M	5	m
(a)(11)	Illegal pharmacy operations (2nd/subsq off)	M	5	m
(a)(12)*	Acquisition of controlled substance by fraud-heroin (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-heroin (50-<100 g)	F	10	3

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-heroin (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-heroin (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (10-<50 g)	F	8	3
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (2-<5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-cocaine (<2 g)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-methamphetamine (<2.5 g)	F	6	2

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(12)*	Acquisition of controlled substance by fraud-PCP (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-PCP (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-PCP (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (>1000 g)	F	13	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (100-1000 g)	F	11	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (50-<100 g)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (10-<50 g)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (2.5-<10 g)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-MDMA (<2.5 g)	F	6	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>1000 lbs.)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (>5000 plants)	F	10	3
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (50-1000 lbs.)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (51-5000 plants)	F	8	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<50 lbs.)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (21-<51 plants)	F	7	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (1-<10 lbs.)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (10-<21 plants)	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<1 lb.)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-marijuana (<10 plants)	F	3	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched I	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched II	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched III	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched IV	F	5	2
(a)(12)*	Acquisition of controlled substance by fraud-Sched V	M	3	m
(a)(13)	Dispense drugs to dependent person (1st off)	M	4	m
(a)(13)	Dispense drugs to dependent person (2nd/subsq off)	M	4	m
(a)(14)*	Delivery by practitioner-heroin (>1000 g)	F	13	3

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-heroin (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-heroin (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-heroin (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-heroin (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-heroin (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (≥100 g) (§ 303.3(e)(2))	F	14	3
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (50-<100 g) (§ 303.3(e)(2))	F	13	3
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (10-<50 g) (§ 303.3(e)(2))	F	11	2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (1-<10 g) (§ 303.3(e)(2))	F	10	2
(a)(14)*	Delivery by practitioner-fentanyl and its derivatives and analogues (<1 g) (§ 303.3(e)(2))	F	9	2
(a)(14)*	Delivery by practitioner-other narcotics Sched I & II (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(14)*	Delivery by practitioner-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-cocaine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-cocaine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-cocaine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-cocaine (5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-cocaine (2-<5 g)	F	6	2
(a)(14)*	Delivery by practitioner-cocaine (<2 g)	F	5	2
(a)(14)*	Delivery by practitioner-methamphetamine (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-methamphetamine (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-methamphetamine (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-methamphetamine (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-methamphetamine (2.5-<10 g)	F	7	2
(a)(14)*	Delivery by practitioner-methamphetamine (<2.5 g)	F	6	2

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(14)*	Delivery by practitioner-PCP (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-PCP (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-PCP (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-PCP (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-PCP (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-PCP (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-MDMA (>1000 g)	F	13	3
(a)(14)*	Delivery by practitioner-MDMA (100-1000 g)	F	11	3
(a)(14)*	Delivery by practitioner-MDMA (50-<100 g)	F	10	3
(a)(14)*	Delivery by practitioner-MDMA (10-<50 g)	F	8	2
(a)(14)*	Delivery by practitioner-MDMA (2.5-< 10 g)	F	7	2
(a)(14)*	Delivery by practitioner-MDMA (<2.5 g)	F	6	2
(a)(14)*	Delivery by practitioner-marijuana (>1000 lbs.)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (>5000 plants)	F	10	3
(a)(14)*	Delivery by practitioner-marijuana (50-1000 lbs.)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (51-5000 plants)	F	8	2
(a)(14)*	Delivery by practitioner-marijuana (10-<50 lbs.)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (21-<51 plants)	F	7	2
(a)(14)*	Delivery by practitioner-marijuana (1-<10 lbs.)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (10-<21 plants)	F	5	2
(a)(14)*	Delivery by practitioner-marijuana (<1 lb.)	F	3	2
(a)(14)*	Delivery by practitioner-marijuana (<10 plants)	F	3	2
(a)(14)*	Delivery by practitioner-Sched I	F	5	2
(a)(14)*	Delivery by practitioner-Sched II	F	5	2
(a)(14)*	Delivery by practitioner-Sched III	F	5	2
(a)(14)*	Delivery by practitioner-Sched IV	F	5	2
(a)(14)*	Delivery by practitioner-Sched V	M	3	m
(a)(15)	Illegal retail sale-controlled substance (1st off)	M	4	m
(a)(15)	Illegal retail sale-controlled substance (2nd/subsq off)	M	4	m
(a)(16)	Simple possession (1st off)	M	3	m
(a)(16)	Simple possession (2nd/subsq off)	M	3	m
(a)(16)	Simple possession-GHB (1st off)	F	5	2
(a)(16)	Simple possession-GHB (2nd/sub off)	F	5	2
(a)(17)	Dispense drugs w/o label by practitioner (1st off)	M	4	m
(a)(17)	Dispense drugs w/o label by practitioner (2nd/subsq off)	M	4	m
(a)(18)	Illegal sale container (1st off)	M	4	m
(a)(18)	Illegal sale container (2nd/subsq off)	M	4	m
(a)(19)	Intentional unauthorized purchase (1st off)	M	5	m
(a)(19)	Intentional unauthorized purchase (2nd/subsq off)	M	5	m
(a)(20)	Divulging trade secret (1st off)	M	4	m
(a)(20)	Divulging trade secret (2nd/subsq off)	M	4	m
(a)(21)	Failure to keep records (1st off)	M	2	m
(a)(21)	Failure to keep records (2nd/subsq off)	M	2	m
(a)(22)	Refusal of inspection (1st off)	M	2	m
(a)(22)	Refusal of inspection (2nd/subsq off)	M	2	m

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(23)	Unauthorized removal of seals	M	5	m
(a)(24)	Failure to obtain license (1st off)	M	2	m
(a)(24)	Failure to obtain license (2nd/subsq off)	M	2	m
(a)(25)	Manufacture by unauthorized party	M	5	m
(a)(26)	Distribution by registrant of Schedule I or II	M	5	m
(a)(27)	Use of fictitious registration number	M	5	m
(a)(28)	Furnish false application material	M	5	m
(a)(29)	Production of counterfeit trademarks equipment	M	5	m
(a)(30)*	Possession with intent to deliver-heroin (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-heroin (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-heroin (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-heroin (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-heroin (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-heroin (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (≥100 g) (§ 303.3(e)(2))	F	14	3
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (50-<100 g) (§ 303.3(e)(2))	F	13	3
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (10-<50 g) (§ 303.3(e)(2))	F	11	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (1-<10 g) (§ 303.3(e)(2))	F	10	2
(a)(30)*	Possession with intent to deliver-fentanyl and its derivatives and analogues (<1 g) (§ 303.3(e)(2))	F	9	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (>1000 pills)	F	13	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (100-1000 pills)	F	11	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (50-<100 pills)	F	10	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (10-<50 pills)	F	8	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (1-<10 pills)	F	7	2
(a)(30)*	Possession with intent to deliver-other narcotics, Sched I & II (<1 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-cocaine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-cocaine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-cocaine (10-<50 g)	F	8	2

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(30)*	Possession with intent to deliver-cocaine (5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-cocaine (2-<5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-cocaine (<2 g)	F	5	2
(a)(30)*	Possession with intent to deliver-methamphetamine (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-methamphetamine (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-methamphetamine (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-methamphetamine (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-methamphetamine (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-methamphetamine (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-PCP (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-PCP (100-[<]1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-PCP (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-PCP (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-PCP (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-PCP (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-MDMA (>1000 g)	F	13	3
(a)(30)*	Possession with intent to deliver-MDMA (100-1000 g)	F	11	3
(a)(30)*	Possession with intent to deliver-MDMA (50-<100 g)	F	10	3
(a)(30)*	Possession with intent to deliver-MDMA (10-<50 g)	F	8	2
(a)(30)*	Possession with intent to deliver-MDMA (2.5-<10 g)	F	7	2
(a)(30)*	Possession with intent to deliver-MDMA (<2.5 g)	F	6	2
(a)(30)*	Possession with intent to deliver-marijuana (>1000 lbs.)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (>5000 plants)	F	10	3
(a)(30)*	Possession with intent to deliver-marijuana (50-1000 lbs.)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (51-5000 plants)	F	8	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<50 lbs.)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (21-<51 plants)	F	7	2
(a)(30)*	Possession with intent to deliver-marijuana (1-<10 lbs.)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (10-<21 plants)	F	5	2
(a)(30)*	Possession with intent to deliver-marijuana (<1 lb.)	F	3	2
(a)(30)*	Possession with intent to deliver-marijuana (<10 plants)	F	3	2
(a)(30)*	Possession with intent to deliver-Sched I (>=100 g)	F	7	2
(a)(30)*	Possession with intent to deliver-Sched I (<100 g)	F	5	2
(a)(30)*	Possession with intent to deliver-Sched II	F	5	2
(a)(30)*	Possession with intent to deliver-Sched III	F	5	2
(a)(30)*	Possession with intent to deliver-Sched IV	F	5	2
(a)(30)*	Possession with intent to deliver-Sched V	M	3	m

<i>35 P.S. § 780-113</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish)	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): personal use	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): intent to distribute, not sell	M	1	m
(a)(31)	Possession-small amt. of marijuana (<=30 g/<=8 g hashish): distribution, not sale	M	1	m
(a)(32)	Possession-drug paraphernalia	M	1	m
(a)(33)	Possession w/ intent to deliver paraphernalia-under 18/3 yrs or more junior	M-2	4	m
(a)(33)	Possession w/ intent to deliver paraphernalia-not to a minor	M	3	m
(a)(34)	Place ad for sale of drug paraphernalia	M	1	m
(a)(34)	Place ad for sale of drug paraphernalia-GHB	F	5	2
(a)(35)(i)	Illegal sale of noncontrolled substance-intent to distribute	F	5	2
(a)(35)(ii)	Illegal sale of noncontrolled substance-represent as controlled substance	F	5	2
(a)(35)(iii)	Illegal sale of noncontrolled substance-distribute for redistribution	F	5	2
(a)(36)	Possession w/ intent to deliver-designer drugs	F	5	2
(a)(37)	Possession >30 doses-anabolic steroid (1st off)	M	4	m
(a)(37)	Possession >30 doses-anabolic steroid (2nd/subsq off)	M	4	m
(a)(38)(II)	Unlawful manufacture-methamphetamine (BI of child <18)	F-2	9	2
(a)(38)(I)	Unlawful manufacture-methamphetamine (child <18 present)	F-3	7	1
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (1st off)	M	2	m
(a)(39)	Possess ephedrine, etc. w/ intent to manuf. methamphetamine (2nd/subsq off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (1st off)	M	2	m
(a)(40)	Retail sale-product containing ephedrine, etc. (2nd/subsq off)	M	2	m

m=other misdemeanor offense. See § 303.7(a)(5)

<i>35 P.S. § 780-113.1</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)(i)	Possess liquefied ammonia-purpose other than agriculture/industrial	M	3	m
(a)(1)(ii)	Possess liquefied ammonia-unapproved container	M	3	m
(a)(2)	Possess liquefied ammonia-intent to manuf controlled substance	F	5	2
(a)(3)	Possess red phosphorous-intent to manuf controlled substance	F	5	2
(a)(4)	Possess esters/salts/etc. w/ intent to manuf controlled substance	F	5	2

<i>35 P.S. § 780-113.4</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
(a)(1)	Operate meth lab-create chemical reaction	F-2	7	2
(a)(3)	Operate meth lab-create chemical reaction (w/in 1000 ft. of school)	F-1	8	3
(b)(1)	Operate meth lab-stores/disposes substance used in manuf.	F-3	5	1

<i>35 P.S.</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
6018.101— 6018.1002	Solid Waste Management Act			
	Knowingly transports, etc. hazardous waste without permit	F-1	9	1
	Transports, etc. hazardous waste without permit	F-2	7	2
	Violation of Act, DER Order, etc.	M-3	1	m
691.1— 691.1001	Clean Streams Law			
	Violation of Act, DER Order, etc.	M-3	1	m
4001—4015	Air Pollution Control Act			
	Knowingly releases hazardous air pollutant	F-1	9	1
	Violation of Act, DER Order, etc.	M-2	2	m
	Negligently releases hazardous air pollution	M-3	1	m

m=other misdemeanor offense. See § 303.7(a)(5)

JUDICIAL CODE

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(1)	Agg. jury tampering-employ force/violence (charged crime F-2)	F-2	9	2
4583.1(a)(1)	Agg. jury tampering-employ force/violence (any other charged crime)	F-3	7	1
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (charged crime F-2)	F-2	9	2
4583.1(a)(2)	Agg. jury tampering-pecuniary/benefit (any other charged crime)	F-3	7	1
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(3)	Agg. jury tampering-further conspiracy (charged crime F-2)	F-2	9	2
4583.1(a)(3)	Agg. jury tampering-further conspiracy (any other charged crime)	F-3	7	1
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime Mur 1/Mur 2/F-1)	F-1	11	4
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (charged crime F-2)	F-2	9	2

<i>42 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
4583.1(a)(4)	Agg. jury tampering-accept pecuniary benefit (any other charged crime)	F-3	7	1

VEHICLE LAW OFFENSES

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
<u>1543(b)(1)(iii)</u>	<u>Drive w/ suspended/revoked. license as condition of ARD for DUI (3rd/subsq)</u>	<u>M-3</u>	<u>1</u>	<u>m</u>
1543(b)(1.1)(ii)	Drive w/ susp. lic. & BAC \geq 0.02% /or under influence of controlled subst. (2nd off)	M-3	1	m
1543(b)(1.1)(iii)	Drive w/ susp. lic. & BAC \geq 0.02% /or under influence of controlled subst. (3rd/subsq off)	M-1	3	m
1571(a.1)	Violations concerning licenses-agents issuing altered driver's license	F-3	5	1
1571(a)(5)	Violations concerning licenses-exhibit fictitious driver's license	M-1	3	m
3105(g)(2)	Unauth. operation of preemptive device	M-3	1	m
3367	Racing on highways (2nd/subsq off)	M	1	m
3712(a)	Abandonment of vehicles-on highway (3rd/subsq off)	M-3	1	m
3712(b)	Abandonment of vehicles-public/private property (3rd/subsq off)	M-3	1	m
3712.2(a)	Stripping abandoned vehicles (2nd/subsq off)	F-3	5	1
3712.2(a)	Stripping abandoned vehicles (1st off)	M-3	1	m
3732(a)*	Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 ¹	10	1
<u>3732(a)*</u>	<u>Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543)</u>	<u>F-3¹</u>	<u>10</u>	<u>1</u>
<u>3732(a)*</u>	<u>Homicide by vehicle-w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)</u>	<u>F-3¹</u>	<u>8</u>	<u>1</u>
3732(a)*	Homicide by vehicle-w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), <u>required to be licensed (75-1501), operating privilege suspended/revoked (75-1543)</u> , active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 ¹	8	1
3732(a)*	Homicide by vehicle	F-3	6	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 ²	9	1

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD SCORE POINTS
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) DUI conviction or texting (75-3316) and 2) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543)	F-3²	9	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor from each of the following two categories present during the criminal incident: 1) required to be licensed (75-1501), operating privilege suspended/revoked (75-1543) and 2) active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3²	7	1
3732.1(a)*	Aggravated assault by vehicle w/ one additional factor present during the criminal incident: DUI conviction, texting (75-3316), required to be licensed (75-1501), operating privilege suspended/revoked (75-1543), active work zone (75-3326), emergency vehicle (75-3325), or emergency response area (75-3327)	F-3 ²	7	1
3732.1(a)*	Aggravated assault by vehicle	F-3	5	1
3733(a)	Fleeing or eluding police officer	M-2	2	m
3733(a)	Fleeing or eluding police officer-with DUI/cross state line/high-speed chase	F-3	5	1
3735(a)(1)(i)	Homicide by vehicle while DUI	F-2	10	2
3735(a)(1)(ii)	Homicide by vehicle while DUI (prior DUI)	F-1	11	3
3735.1(a)	Aggravated assault by vehicle while DUI	F-2	9	2
3735.1(a.1)*	Aggravated assault by vehicle while DUI-required to be licensed (75-1501) or operating privilege suspended/revoked (75-1543)	F-2	10	2
3742(a)	Accident involving death/personal injury-failure to stop (death)	F-2	9	2
3742(a)	Accident involving death/personal injury-failure to stop (SBI)	F-3	5	1
3742(a)	Accident involving death/personal injury-failure to stop (injury)	M-1	3	m
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (death)	F-3	6	1
3742.1(a)(1)*	Accident involving death/personal injury-not properly licensed (SBI)	F-3	5	1
3742.1(a)(1)	Accident involving death/personal injury-not properly licensed	M-2	2	m
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (death)	M-2	3	m
3742.1(a)(2)	Accident involving death/personal injury-not properly licensed: acting with negligence (SBI)	M-3	2	m
3743(a)	Accident involving damage to attended vehicle or property	M-3	1	m
3802	Driving under the influence of alcohol or controlled substance (DUI) (See mandatory provisions § 303.9(i))			§ 303.7(a)
3802(a)(1)	DUI-general impairment/incapable of safe driving (1st off)	M	1	m
3802(a)(1)	DUI-general impairment/incapable of safe driving (2nd off)	M	1	1
3802(a)(1)	DUI-general impairment/incapable of safe driving (3rd [/subs q] off)	M-2	3	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(a)(1)	<u>DUI-general impairment/incapable of safe driving (4th/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	<u>DUI-general impairment/incapable of safe driving (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-general impairment/incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	<u>DUI-general impairment/incapable of safe driving (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: refused testing (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: refused testing (2nd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: refused testing (3rd/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
3802(a)(1)	<u>DUI-incapable of safe driving: refused testing (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: refused testing (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	<u>DUI-incapable of safe driving: refused testing (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (4th/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
3802(a)(1)	<u>DUI-incapable of safe driving: accident w/BI/SBI/death (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	<u>DUI-incapable of safe driving: accident w/BI/SBI/death (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (1st off)	M	1	m
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (2nd off)	M	1	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (3rd off)	M-1	5	1
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (4th/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
3802(a)(1)	<u>DUI-incapable of safe driving: damage to vehicle/property (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(1)	DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(1)	<u>DUI-incapable of safe driving: damage to vehicle/property (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (1st off)	M	1	m
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (2nd off)	M	1	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (3rd[/subsq] off)	M-2	3	1
3802(a)(2)	<u>DUI-general impairment: BAC .08-<.10 (4th/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (prior conviction 75-3735)	F-3	6	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 1st/2nd off)	M-1	5	1
3802(a)(2)	DUI-general impairment: BAC .08-<.10 (minor occupant; 3rd/subsq off)	F-3	6	1
3802(b)	DUI-high rate of alcohol: BAC .10-< .16 (1st off)	M	1	m
3802(b)	DUI-high rate of alcohol: BAC .10-< .16 (2nd off)	M	1	1
3802(b)	DUI-high rate of alcohol: BAC .10-< .16 (3rd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (4th/subsq off)	[M-1] F-3	[5] 6	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (prior conviction 75-3735)	F-3	6	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 1st/2nd off)	M-1	5	1
3802(b)	DUI-high rate of alcohol: BAC .10-<.16 (minor occupant; 3rd/subsq off)	F-3	6	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (1st off)	M	1	m
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (3rd/subsq off)	[M-1] F-3	[5] 6	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (prior conviction 75-3735)	F-3	6	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 1st/2nd off)	M-1	5	1
3802(c)	DUI-highest rate of alcohol: BAC >=.16 (minor occupant; 3rd/subsq off)	F-3	6	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (1st off)	M	1	m
3802(d)(1)(i)	DUI-controlled substances: Sched I (2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (3rd/subsq off)	[M-1] F-3	[5] 6	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (prior conviction 75-3735)	F-3	6	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(1)(i)	DUI-controlled substances: Sched I (minor occupant; 3rd/subsq off)	F-3	6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (1st off)	M	1	m
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (3rd/subsq off)	[M-1] F-3	[5] 6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (prior conviction 75-3735)	F-3	6	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 1st/2nd off)	M-1	5	1
3802(d)(1)(ii)	DUI-controlled substances: Sched II/III (minor occupant; 3rd/subsq off)	F-3	6	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (1st off)	M	1	m
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (2nd off)	M-1	5	1
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (3rd/subsq off)	[M-1] F-3	[5] 6	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
<u>3802(d)(1)(iii)</u>	<u>DUI-controlled substances: metabolite of Sched I/II/III (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(1)(iii)	DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; <u>1st/2nd off</u>)	M-1	5	1
<u>3802(d)(1)(iii)</u>	<u>DUI-controlled substances: metabolite of Sched I/II/III (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(2)	DUI-controlled substances & incapable of safe driving (1st off)	M	1	m
3802(d)(2)	DUI-controlled substances & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(2)	DUI-controlled substances & incapable of safe driving (3rd/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
<u>3802(d)(2)</u>	<u>DUI-controlled substances & incapable of safe driving (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(2)	DUI-controlled substances & incapable of safe driving (minor occupant; <u>1st/2nd off</u>)	M-1	5	1
<u>3802(d)(2)</u>	<u>DUI-controlled substances & incapable of safe driving (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (1st off)	M	1	m
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (2nd off)	M-1	5	1
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (3rd/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
<u>3802(d)(3)</u>	<u>DUI-controlled substances & alcohol & incapable of safe driving (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(3)	DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; <u>1st/2nd off</u>)	M-1	5	1
<u>3802(d)(3)</u>	<u>DUI-controlled substances & alcohol & incapable of safe driving (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(4)	DUI-controlled substances: solvent, etc. (1st off)	M	1	m
3802(d)(4)	DUI-controlled substances: solvent, etc. (2nd off)	M-1	5	1
3802(d)(4)	DUI-controlled substances: solvent, etc. (3rd/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
<u>3802(d)(4)</u>	<u>DUI-controlled substances: solvent, etc. (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(d)(4)	DUI-controlled substances: solvent, etc. (minor occupant; <u>1st/2nd off</u>)	M-1	5	1
<u>3802(d)(4)</u>	<u>DUI-controlled substances: solvent, etc. (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(e)	DUI-minor driver (1st off)	M	1	m
3802(e)	DUI-minor driver (2nd off)	M	1	1
3802(e)	DUI-minor driver (3rd off)	M-1	5	1
3802(e)	DUI-minor driver (4th/subsq off)	[M-1] <u>F-3</u>	[5] <u>6</u>	1
<u>3802(e)</u>	<u>DUI-minor driver (prior conviction 75-3735)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(e)	DUI-minor driver (minor occupant; <u>1st/2nd off</u>)	M-1	5	1
<u>3802(e)</u>	<u>DUI-minor driver (minor occupant; 3rd/subsq off)</u>	<u>F-3</u>	<u>6</u>	<u>1</u>
3802(f)(1)(i)	DUI-commercial vehicles (1st off)	M	1	m
3802(f)(1)(i)	DUI-commercial vehicles (2nd off)	M	1	1
3802(f)(1)(i)	DUI-commercial vehicles (3rd off)	M-1	6	1
3802(f)(1)(i)	DUI-commercial vehicles (4th/subsq off)	[M-1] <u>F-3</u>	[7] <u>6</u>	1

<i>75 Pa.C.S. §</i>	<i>DESCRIPTION</i>	<i>STATUTORY CLASS</i>	<i>§ 303.3 OFFENSE GRAVITY SCORE</i>	<i>§ 303.7 PRIOR RECORD SCORE POINTS</i>
3802(f)(1)(i)	DUI-commercial vehicles (prior conviction 75-3735)	F-3	6	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(1)(i)	DUI-commercial vehicles (minor occupant; 3rd/subsq off)	F-3	6	1
3802(f)(1)(ii)	DUI-school vehicles (1st off)	M	1	m
3802(f)(1)(ii)	DUI-school vehicles (2nd off)	M	1	1
3802(f)(1)(ii)	DUI-school vehicles (3rd off)	M-1	6	1
3802(f)(1)(ii)	DUI-school vehicles (4th/subsq off)	[M-1] F-3	[7] 6	1
3802(f)(1)(ii)	DUI-school vehicles (prior conviction 75-3735)	F-3	6	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(1)(ii)	DUI-school vehicles (minor occupant; 3rd/subsq off)	F-3	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (1st off)	M	1	m
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (2nd off)	M	1	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (3rd off)	M-1	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (4th/subsq off)	[M-1] F-3	[7] 6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (prior conviction 75-3735)	F-3	6	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(2)	DUI-commercial/school vehicles & incapable of safe driving (minor occupant; 3rd/subsq off)	F-3	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (1st off)	M	1	m
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (2nd off)	M	1	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (3rd off)	M-1	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (4th/subsq)	[M-1] F-3	[7] 6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (prior conviction 75-3735)	F-3	6	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 1st/2nd off)	M-1	5	1
3802(f)(3)	DUI-commercial/school vehicles & controlled substances (minor occupant; 3rd/subsq off)	F-3	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (1st off)	M	1	m
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (2nd off)	M	1	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (3rd off)	M-1	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (4th/subsq off)	[M-1] F-3	[7] 6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (prior conviction 75-3735)	F-3	6	1
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 1st/2nd off)	M-1	5	1

75 Pa.C.S. §	DESCRIPTION	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD SCORE POINTS
3802(f)(4)	DUI-commercial/school vehicles & controlled substances & alcohol (minor occupant; 3rd/subsq off)	F-3	6	1
3808(a)(1)	Illegally operating motor vehicle not equipped with ignition interlock-no BAC	M	1	m
3808(a)(2)	Illegally operating motor vehicle not equipped with ignition interlock-BAC >=.025)	M-3	1	m
3808(b)	Tampering with ignition interlock system-using/providing breath sample	M	1	m
6308(d)	Investigation by police officers-records	M-3	1	m
6503.1	Habitual offenders	M-2	2	m
7111	Deal in titles/plates for stolen vehicles	M-1	3	m
7112	False report of theft or conversion of vehicle	M-3	1	m
7121	False application for title or registration	M-1	3	m
7122	Altered/forged/counterfeit title/plates	M-1	3	m
8306(b)	Willful violation-hazardous materials transportation regs (1st off)	M-3	1	m
8306(c)	Subsq willful violation-hazardous materials transportation regs (w/in 2 yrs)	M-2	2	m

*=subcategorized offenses. See § 303.3(b)

m=other misdemeanor offense. See § 303.7(a)(5)

¹ statutory maximum increased by 5 years if offense occurred in active work zone [(maximum=12 years)] or

[statutory maximum increased by 5 years] if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=12 years)

² statutory maximum increased by 2 years if offense occurred in active work zone [(maximum=9 years)] or

[statutory maximum increased by 2 years] if also convicted of 75 § 1501, 75 § 1543, 75 § 3316, 75 § 3325 or 75 § 3327 (maximum=9 years)

OMNIBUS ASSIGNMENTS

OMNIBUS ASSIGNMENTS	STATUTORY CLASS	§ 303.3 OFFENSE GRAVITY SCORE	§ 303.7 PRIOR RECORD POINTS
Offenses not otherwise listed and new offenses:	F-1	8	3
	F-2	7	2
	F-3	5	1
	Felony Not Classified	5	1
	M-1	3	m
	M-2	2	m
	M-3	1	m
	Misdemeanor Not Classified	1	m

§ 303.16(a). Basic Sentencing Matrix.

Level	OGS	Example Offenses	Prior Record Score								RFEL	REVOC	AGG/MIT
			0	1	2	3	4	5					
LEVEL 5 State Incar	14	Murder 3 Inchoate Murder (SBI) Rape (victim <13 yrs)	72-SL	84-SL	96-SL	120-SL	168-SL	192-SL	204-SL	SL		~/-12	
	13	Inchoate Murder (No SBI) Weapons Mass Destr-Use PWID Cocaine (>1,000 g)	60-78	66-84	72-90	78-96	84-102	96-114	108-126	240		+/- 12	
	12	Rape-Forcible Compulsion IDSI-Forcible Compulsion Robbery-Inflicts SBI	48-66	54-72	60-78	66-84	72-90	84-102	96-114	120		+/- 12	
	11	Agg Assault-Cause SBI Voluntary Manslaughter Sexual Assault PWID Cocaine (100-1,000 g)	36-54 BC	42-60	48-66	54-72	60-78	72-90	84-102	120		+/- 12	
	10	Kidnapping Agg Indecent Assault F2 Arson-Person in Building Hom by Vehicle-DUI & Work Zone PWID Cocaine(50-<100 g)	22-36 BC	30-42 BC	36-48 BC	42-54	48-60	60-72	72-84	120		+/- 12	
	9	Sexual Exploitation of Children Robbery-Commit/Threat F1/F2 Burglary-Home/Person Present Arson-No Person in Building	12-24 BC	18-30 BC	24-36 BC	30-42 BC	36-48 BC	48-60	60-72	120		+/- 12	
LEVEL 4 State Incar/ RIP trade	8 (F1)	Agg Assault -Cause BI w/DW Theft (Firearm) Identity theft (3rd/+ & Vic>=60 yrs) Hom by Veh-DUI or Work Zone Theft (>\$100,000) PWID Cocaine (10-<50 g)	9-16 BC	12-18 BC	15-21 BC	18-24 BC	21-27 BC	27-33 BC	40-52	NA		+/- 9	
	7 (F2)	Robbery-Inflicts/Threatens BI Burglary-Home/No Person Present Statutory Sexual Assault Theft (>\$50,000-\$100,000) Identity Theft (3rd/subq) PWID Cocaine (5-<10 g)	6-14 BC	9-16 BC	12-18 BC	15-21 BC	18-24 BC	24-30 BC	35-45 BC	NA		+/- 6	
LEVEL 3 State/ Cnty Incar RIP trade	6	Agg Assault-Cause Fear of SBI Homicide by Vehicle Burglary-Not a Home/Person Prsnt Theft (>\$25,000-\$50,000) Arson-Endanger Property PWID Cocaine (<> g)	3-12 BC	6-14 BC	9-16 BC	12-18 BC	15-21 BC	21-27 BC	27-40 BC	NA		+/- 6	
	5 (F3)	Burglary F2 Theft (>\$2000-\$25,000) Bribery PWID Marij (1-<10 lbs)	RS-9	1-12 BC	3-14 BC	6-16 BC	9-16 BC	12-18 BC	24-36 BC	NA		+/- 3	
LEVEL 2 Cnty Incar RIP RS	4	Indecent Assault M2 Forgery (Money, Stocks) Weapon on School Property Crim Trespass F2	RS-3	RS-9	RS-<12	3-14 BC	6-16 BC	9-16 BC	21-30 BC	NA		+/- 3	
	3 (M1)	Simple Assault-Attempt/Cause BI Theft (\$200-\$2000) Carrying Explosives Simple Possession	RS-1	RS-6	RS-9	RS-<12	3-14 BC	6-16 BC	12-18 BC	NA		+/- 3	
LEVEL 1 RS	2 (M2)	Theft (\$50-<\$200) Retail Theft (1st/2nd Offense) Bad Checks (\$500-<\$1,000)	RS	RS-2	RS-3	RS-4	RS-6	1-9	6- <12	NA		+/- 3	
	1 (M3)	Most Misd. 3's;Theft (<\$50) Poss. Small Amount Marij.	RS	RS-1	RS-2	RS-3	RS-4	RS-6	3-6	NA		+/- 3	

1. Designated areas of the matrix indicate restrictive intermediate punishments may be imposed as a substitute for incarceration.
2. When restrictive intermediate punishments are appropriate, the duration of the restrictive intermediate punishment programs are recommended not to exceed the guideline ranges.
3. When the range is RS through a number of months (e.g. RS-6), RIP may be appropriate.
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. 9755(b) and 9756(b).
5. Statutory classification (e.g., F1, F2, etc.) in brackets reflect the omnibus OGS assignment for the given grade.

Key:

- | | | | |
|-------|--|-------|--|
| BC | = boot camp | RIP | = restrictive intermediate punishments |
| CNTY | = county | RS | = restorative sanctions |
| INCAR | = incarceration | SBI | = serious bodily injury |
| PWID | = possession with intent to deliver | SL | = statutory limit (longest minimum sentence) |
| REVOC | = repeat violent offender category | ~ | = no recommendation (aggravated sentence would exceed statutory limit) |
| RFEL | = repeat felony 1 and felony 2 offender category | < ; > | = less than; greater than |

§ 303.16(b). Basic Sentencing Matrix for Offenders **[Under Age 18]** Convicted of 1st or 2nd Degree Murder.

Sentencing Guideline Recommendations for Murder of 1st or 2nd Degree [If Offender is Under Age 18 at the Time of the Offense and the Conviction Occurred After June 24, 2012]										
	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
Murder of 1st Degree										
Offender >= 18	15	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	LWOP or Death	N/A
Offender Age 15 to < 18	15	420-Life	456-Life	492-Life	552-Life	612-Life	672-Life	732-Life	LWOP	+/-]60[**]
Offender Age <15	15	300-Life	324-Life	348-Life	396-Life	444-Life	492-Life	540-Life	LWOP	+/-]48[**]
Murder of 2nd Degree										
Offender >= 18	15	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	LWOP	N/A
Offender Age 15 to < 18	15	360-624	384-624	408-624	444-624	480-624	516-624	552-624	588-624	+/-]36[**]
Offender Age <15	15	240-588	252-588	264-588	288-588	312-588	336-588	360-588	384-588	+/-]24[**]

1. Murder of the 1st Degree also includes 1st Degree Murder of Unborn Child and 1st Degree Murder of Law Enforcement Officer
2. Murder of the 2nd Degree also includes 2nd Degree Murder of Unborn Child and 2nd Degree Murder of Law Enforcement Officer
3. LWOP = Life without Parole
4. The Offense Gravity Score (OGS) of 15 is assigned only for Murder 1 and Murder 2 **[when committed by offenders under age 18]**.
5. Commonwealth must provide reasonable notice to offender of its intention to seek a sentence of life imprisonment without parole for Murder of 1st Degree **when committed by an offender under age 18** (18 Pa.C.S. § 1102.1(b)).
6. **[A mitigated sentence cannot be less than the mandatory minimum sentence established in statute (18 Pa.C.S. § 1102.1)]**
Recommendations for Murder 1 and 2 apply to offenders under age 18 at the time of the offense and the conviction occurred after June 24, 2012.

§ 303.17(a). Deadly Weapon Enhancement/Possessed Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Possessed	81-SL	93-SL	105-SL	129-SL	177-SL	201-SL	213-SL	240	~/- 12
	13	Possessed	69-87	75-93	81-99	87-105	93-111	105-123	117-135	240	+/-12
	12	Possessed	57-75	63-81	69-87	75-93	81-99	93-111	105-123	120	+/-12
	11	Possessed	45-63	51-69	57-75	63-81	69-87	81-99	93-111	120	+/-12
	10	Possessed	31-45	39-51	45-57	51-63	57-69	69-81	81-93	120	+/-12
	9	Possessed	21-33	27-39	33-45	39-51	45-57	57-69	69-81	120	+/-12
Level 4	8	Possessed	15-22	18-24	21-27	24-30	27-33	33-39	46-58	NA	+/-9
	7	Possessed	12-20	15-22	18-24	21-27	24-30	30-36	41-51	NA	+/-6
	6	Possessed	9-18	12-20	15-22	18-24	21-27	27-33	33-46	NA	+/-6
Level 3	5	Possessed	6-15	7-18	9-20	12-22	15-22	18-24	30-42	NA	+/-3
	4	Possessed	3-6	3-12	3-<15	6-17	9-19	12-19	24-33	NA	+/-3
	3	Possessed	3-4	3-9	3-12	3-<15	6-17	9-19	15-21	NA	+/-3
	2	Possessed	3-3	3-5	3-6	3-7	3-9	4-12	9-<15	NA	+/-3
	1	Possessed	3-3	3-4	3-5	3-6	3-7	3-9	6-9	NA	+/-3

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program(s) shall not exceed the guideline ranges.
3. The mitigated recommendation is never less than three months (§ 303.10(a)).
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.17(b). Deadly Weapon Enhancement/Used Matrix.

Level	OGS	Deadly Weapon	Prior Record Score								
			0	1	2	3	4	5	RFEL	REVOC	AGG/MIT
Level 5	14	Used	90-SL	102-SL	114-SL	138-SL	186-SL	210-SL	222-SL	SL	~/ - 12
	13	Used	78-96	84-102	90-108	96-114	102-120	114-132	126-144	240	+/-12
	12	Used	66-84	72-90	78-96	84-102	90-108	102-120	114-132	120	+/-12
	11	Used	54-72	60-78	66-84	72-90	78-96	90-108	102-120	120	+/-12
	10	Used	40-54	48-60	54-66	60-72	66-78	78-90	90-102	120	+/-12
	9	Used	30-42	36-48	42-54	48-60	54-66	66-78	78-90	120	+/-12
Level 4	8	Used	21-28	24-30	27-33	30-36	33-39	39-45	52-64	NA	+/-9
	7	Used	18-26	21-28	24-30	27-33	30-36	36-42	47-57	NA	+/-6
	6	Used	15-24	18-26	21-28	24-30	27-33	33-39	39-52	NA	+/-6
	5	Used	12-21	13-24	15-26	18-28	21-28	24-30	36-48	NA	+/-3
Level 3	4	Used	6-9	6-15	6-<18	9-20	12-22	15-22	27-36	NA	+/-3
	3	Used	6-7	6-12	6-15	6-<18	9-20	12-22	18-24	NA	+/-3
	2	Used	6-6	6-8	6-9	6-10	6-12	7-15	12-<18	NA	+/-3
	1	Used	6-6	6-7	6-8	6-9	6-10	6-12	9-12	NA	+/-3

1. Level 3 and Level 4 indicate restrictive intermediate punishments may be substituted for incarceration.
2. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
3. The mitigated recommendation is never less than six months (§ 303.10(a)).
4. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
5. If the standard range includes the statutory limit, there is no aggravated recommendation.
6. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(a). [Youth] School Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	[NA] 78-SL	[NA] 90-SL	[NA] 102-SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	~/-12
	13	66 - 90	72 - 96	78 - 102	84 - 108	90 - 114	102 - [126] SL	114 - [138] SL	[240] SL	+/-12
	12	[NA] 54-78	[NA] 60-84	[NA] 66-90	[NA] 72-96	[NA] 78-102	[NA] 90-114	[NA] 102-SL	[NA] SL	+/-12
	11	42 - 66	48 - 72	54 - 78	60 - 84	66 - 90	78 - 102	90 - 114	120	+/-12
4	10	28 - 48	36 - 54	42 - 60	48 - 66	54 - 72	66 - 84	78 - 96	120	+/-12
	9	18 - 36	24 - 42	30 - 48	36 - 54	42 - 60	54 - 72	66 - 84	120	+/-12
	8	15 - 28	18 - 30	21 - 33	24 - 36	27 - 39	33 - 45	46 - 64	NA	+/-9
	7	12 - 26	15 - 28	18 - 30	21 - 33	24 - 36	30 - 42	41 - 57	NA	+/-6
3	6	9 - 24	12 - 26	15 - 28	18 - 30	21 - 33	27 - 39	33 - 52	NA	+/-6
	5	6 - 21	7 - 24	9 - 26	12 - 28	15 - 28	18 - 30	30 - 48	NA	+/-3
	4	6 - 15	6 - 21	6 - <24	9 - 26	12 - 28	15 - 28	27 - 42	NA	+/-3
	3	6 - 13	6 - 18	6 - 21	6 - <24	9 - 26	12 - 28	18 - 30	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Levels 3 and 4 indicate restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than six months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(b). [School] Youth Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	[NA] 84-SL	[NA] 96-SL	[NA] 108-SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	~/-12
	13	72 - 102	78 - 108	84 - 114	90 - 120	96 - [126] SL	108 - [138] SL	[120 - 150] SL	[240] SL	+/-12
	12	[NA] 60-90	[NA] 66-96	[NA] 72-102	[NA] 78-108	[NA] 84-114	[NA] 96-SL	[NA] 108-SL	[NA] SL	+/-12
	11	48 - 78	54 - 84	60 - 90	66 - 96	72 - 102	84 - 114	96 - 120	120	+/-12
	10	34 - 60	42 - 66	48 - 72	54 - 78	60 - 84	72 - 96	84 - 108	120	+/-12
	9	24 - 48	30 - 54	36 - 60	42 - 66	48 - 72	60 - 84	72 - 96	120	+/-12
4	8	21 - 40	24 - 42	27 - 45	30 - 48	33 - 51	39 - 57	52 - 76	NA	+/-9
	7	18 - 38	21 - 40	24 - 42	27 - 45	30 - 48	36 - 54	47 - 69	NA	+/-6
	6	15 - 36	18 - 38	21 - 40	24 - 42	27 - 45	33 - 51	39 - 64	NA	+/-6
	5	12 - 33	13 - 36	15 - 38	18 - 40	21 - 40	24 - 42	36 - 60	NA	+/-3
	4	12 - 27	12 - 33	12 - <36	15 - 38	18 - 40	21 - 40	33 - 54	NA	+/-3
	3	12 - 25	12 - 30	12 - 33	12 - <36	15 - 38	18 - 40	24 - 42	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than twelve months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

§ 303.18(c). [Youth and School] School and Youth Enhancement Matrix.

Level	OGS	Prior Record Score								Agg/Mit
		0	1	2	3	4	5	RFEL	REVOC	
5	14	[NA] 90-SL	[NA] 102-SL	[NA] 114-SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	[NA] SL	~/-12
	13	78 - 114	84 - 120	90 - [126] SL	96 - [132] SL	102 - [138] SL	114 - [150] SL	[126 - 162] SL	[240] SL	+/-12
	12	[NA] 66-102	[NA] 72-108	[NA] 78-114	[NA] 84-120	[NA] 90-SL	[NA] 102-SL	[NA] 114-SL	[NA] SL	+/-12
	11	54 - 90	60 - 96	66 - 102	72 - 108	78 - 114	90 - 120	102 - 120	120	+/-12
	10	40 - 72	48 - 78	54 - 84	60 - 90	66 - 96	78 - 108	90 - 120	120	+/-12
	9	30 - 60	36 - 66	42 - 72	48 - 78	54 - 84	66 - 96	78 - 108	120	+/-12
4	8	27 - 52	30 - 54	33 - 57	36 - 60	39 - 63	45 - 69	58 - 88	NA	+/-9
	7	24 - 50	27 - 52	30 - 54	33 - 57	36 - 60	42 - 66	53 - 81	NA	+/-6
	6	21 - 48	24 - 50	27 - 52	30 - 54	33 - 57	39 - 63	45 - 76	NA	+/-6
	5	18 - 45	19 - 48	21 - 50	24 - 52	27 - 52	30 - 54	42 - 72	NA	+/-3
	4	18 - 39	18 - 45	18 - <48	21 - 50	24 - 52	27 - 52	39 - 66	NA	+/-3
	3	18 - 37	18 - 42	18 - 45	18 - <48	21 - 50	24 - 52	30 - 54	NA	+/-3

1. This enhancement may only be applied to violations of 35 P.S. § 780-113(a)(14) and (a)(30).
2. Level 4 indicates restrictive intermediate punishments may be substituted for incarceration.
3. When county intermediate punishment is appropriate, the duration of the restrictive intermediate punishment program shall not exceed the guideline ranges.
4. The mitigated recommendation is never less than eighteen months (§ 303.10(b)).
5. All numbers in sentence recommendations suggest months of minimum confinement pursuant to 42 Pa.C.S. § 9755(b) and § 9756(b).
6. If the standard range includes the statutory limit, there is no aggravated recommendation.
7. If any recommendation is longer than the statutory limit, see § 303.9(g).

Commentary on Annex B

This Commentary provides information on the proposed Resentencing Guidelines. The proposed Resentencing Guidelines are set forth in Annex B.

Publication of Proposed Resentencing Guidelines

The proposed Resentencing Guidelines, if adopted, will be published in the *Pennsylvania Code* with other documents proposed or adopted by the Commission:

- Chapter 303—Sentencing Guidelines
- Chapter 305—Sentence Risk Assessment Instrument
- Chapter 307—Resentencing Guidelines
- Chapter 309—Parole Guidelines
- Chapter 311—Recommitment Ranges
- Proposed 307.1—Preliminary Provisions

This proposed section provides the legislative authority for the adoption of Resentencing Guidelines. Act 81 of 2008, 42 Pa.C.S. § 2154.4, requires the following:

The commission shall adopt guidelines that shall be considered by the court when resentencing an offender following revocation of probation, county intermediate punishment or State intermediate punishment. The guidelines shall take into account:

- (1) Factors considered in adopting the sentencing guidelines,
- (2) The seriousness of the violation and
- (3) The rehabilitative needs of the defendant.

This proposed section also sets forth definitions for the terms used in Chapter 307.

Proposed 307.2—Resentencing Guidelines standards

This proposed section provides the requirements for consideration of the Resentencing Guidelines and the reporting of information to the Commission. As required by the legislation, Resentencing Guidelines shall be considered by the court when imposing a new sentence following revocation of probation, county intermediate punishment or state intermediate punishment. Resentencing Guidelines do not apply to revocations of parole. All revocations of probation, county intermediate punishment and state intermediate punishment and subsequent resentences shall be reported through the Commission's JNET-based SGS Web application.

A Revocation/Resentencing module was developed within SGS Web, the Commission's JNET-based sentencing application. Counties voluntarily reported revocations and resentences beginning in November of 2011. With 7th Edition Amendment 3 Sentencing Guidelines, the Commission required reporting any sentence of probation, county intermediate punishment or state intermediate punishment imposed on or after January 1, 2016 that was subsequently revoked and reporting the resentence. These data were used in developing the proposed Resentencing Guidelines. The Commission will continue to utilize this module within SGS Web for the reporting of revocations and resentences.

Proposed 307.3—Procedures for determining the guideline resentence

This proposed section provides the procedures for determining the guideline resentence recommendation, accounting for the factors considered in the initial sentencing guidelines and the seriousness of the violation. The initial sentencing guidelines, based on the offense gravity score for the initial conviction offense and the prior record

score, as well as any applicable enhancements, serve as the starting point for Resentencing Guidelines, and apply to all technical violations. For more serious conviction violations, the initial sentence recommendation is generally enhanced.

Violations of the terms and conditions of probation, county intermediate punishment or state intermediate punishment are determined by the court following a hearing. A technical violation involved the failure to comply with the terms and conditions of supervision, other than the commission of a new offense for which the offender is convicted in a court of record. A conviction violation involves the failure to comply with terms and conditions through the commission of a new offense during the period of supervision, and resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

Proposed 307.4—Guideline resentence recommendations

This proposed section recommends consideration of a risk-needs or a risk-needs-responsivity assessment prior to resentencing to address the rehabilitative needs of the offender. Underlying issues of drug or alcohol dependency, mental illness or other needs may be identified through an assessment and may inform decisions at resentencing that reduce the of future violations, including new offenses.

When resentencing, this proposed section also requires consideration of the recommendations related to sentencing levels, sentencing programs, aggravated and mitigated circumstances, and economic sanctions provided for in the Sentencing Guidelines.

Annex B

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 307. RESENTENCING GUIDELINES

(Editor's Note: The following chapter is proposed to be added and is printed in regular type to enhance readability.)

- | | |
|--------|---|
| Sec. | |
| 307.1. | Preliminary provisions. |
| 307.2. | Resentencing Guidelines standards. |
| 307.3. | Procedure for determining the guideline resentence. |
| 307.4. | Guideline resentence recommendations. |

§ 307.1. Preliminary provisions.

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.4 (relating to guidelines for resentencing), the Commission shall adopt guidelines that shall be considered by the court when resentencing an offender following the revocation of probation, county intermediate punishment, or state intermediate punishment.

(2) The Resentencing Guidelines shall take into account:

- (i) factors considered in adopting the sentencing guidelines,
- (ii) the seriousness of the violation, and
- (iii) the rehabilitative needs of the defendant.

(b) *Definitions.* For the purposes of this chapter:

(1) “Conviction.” A finding of guilty or the entering of a plea of guilty or nolo contendere for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

(2) “County intermediate punishment (CIP).” A sentencing alternative as provided in 42 Pa.C.S. Chapter 98 and imposed pursuant to 42 Pa.C.S. § 9763.

(3) “Court.” A court of record.

(4) “Judicial proceeding.” A sentencing hearing in which all offenses for which the offender is convicted are pending before the court for sentencing at the same time. A judicial proceeding may include multiple OTNs.

(5) “Offense gravity score (OGS).” An assignment in the sentencing guidelines reflecting the seriousness of a conviction offense (see: 204 Pa. Code § 303.3 and § 303.15).

(6) “Offense tracking number (OTN).” A unique identifying number assigned to an entire set of charges related to a conviction. An OTN is generally assigned by the court at the time of arraignment.

(7) “Prior record score (PRS).” A category in the sentencing guidelines reflecting the seriousness of the criminal history of an offender (see: 204 Pa. Code § 303.4).

(8) “Probation.” A sentencing alternative as provided in 42 Pa.C.S. § 9722 and imposed pursuant to 42 Pa.C.S. § 9754.

(9) “Resentence.” A new sentence imposed following the revocation of probation, county intermediate punishment, or state intermediate punishment. Upon revocation, the sentencing alternatives available to the court shall be the same as were available at the time of the initial sentence.

(10) “Revocation.” The termination of an order of probation or a sentence of county intermediate punishment or state intermediate punishment, upon proof of a violation of specific conditions of the order or sentence, as provided in 42 Pa.C.S. §§ 9771 and 9771.1 (relating to revocation of probation), 42 Pa.C.S. § 9773 (relating to revocation of county intermediate punishment), and 42 Pa.C.S. § 9774 (relating to revocation of state intermediate punishment).

(11) “Risk assessment instrument.” An empirically based worksheet which uses factors that are relevant in predicting recidivism. A risk assessment instrument is often identified with a specific ‘generation’ of development:

i. 1st generation. “Professional judgment,” with assessments based on training and experience;

ii. 2nd generation. “Risk assessment,” an actuarial assessment of static criminal justice and demographic factors used to estimate risk of re-offense;

iii. 3rd generation. “Risk-needs assessment (RNA),” an actuarial assessment of static and dynamic factors and changing circumstances, such as relationships, employment, and substance abuse, used to estimate risk of re-offense and to assess criminogenic needs to be addressed through treatment and supervision;

iv. 4th generation. “Risk-needs-responsivity (RNR) assessment,” an actuarial assessment of static and dynamic factors used to match the level of service to the offender’s risk to re-offend; assess criminogenic needs and target them in treatment; and structure the sentence to address the learning style, motivation, abilities and strengths of the offender.

(12) “Sentencing Guidelines Software Web Application (SGS Web).” A JNET-based application operated by the Commission which includes the modules for Sentencing Guidelines and for Resentencing Guidelines. SGS Web serves as the source of data for the original reported sentence and associated information and the reporting source for revocations and resentences.

(13) “State identification number (SID).” A unique number associated with each offender based on fingerprints. The Commission requires the inclusion of SID as part of the record in the completed Guideline Sentence Form (§ 303.1(f)).

(14) “State intermediate punishment (SIP).” A sentencing alternative as provided in 61 Pa.C.S. Chapter 41 and imposed pursuant to 61 Pa.C.S. § 4104(d).

(15) “Violation.” A finding by a court of record, following a hearing, that the offender failed to comply with terms and conditions of an order of probation or a sentence of county intermediate punishment or state intermediate punishment.

i. “Technical violation.” Failure to comply with the terms and conditions of an order of probation or a sentence of county intermediate punishment or state intermediate punishment, other than by the commission of a new offense of which the offender is convicted in a court of record.

ii. “Conviction violation.” Commission of a new offense during the period of probation, county intermediate punishment or state intermediate punishment, resulting in a conviction for a misdemeanor or felony in a court of record, whether or not judgement of sentence has been imposed.

§ 307.2. Resentencing Guidelines standards.

(a) The court shall consider the Resentencing Guidelines in determining the appropriate resentence upon a revocation of probation, county intermediate punishment, or state intermediate punishment.

(b) Effective for sentences imposed on or after January 1, 2020, the Resentencing Guidelines shall apply to all subsequent revocations of probation, county intermediate punishment, and state intermediate punishment and resentences imposed as of January 1, 2020 and subsequently revoked and resentenced. Amendments to the Resentencing Guidelines shall apply to sentences imposed on or after the effective date of the amendments, and shall be considered for all subsequent revocations of probation, county intermediate punishment, and state intermediate punishment and resentences.

(c) Upon revocation of probation, county intermediate punishment, or state intermediate punishment, all sentencing alternatives available to the court at the time of the initial sentence shall be available to the court for resentencing.

(d) In every case in which a court of record imposes a resentence for a felony or misdemeanor, the court shall make as a part of the record and disclose in open court at the time of resentencing, a statement of the reason or reasons for the revocation and for the resentence imposed. In every case where a court of record imposes a resentence outside the Resentencing Guidelines, the reason or reasons for the deviation from the guidelines shall be recorded on the Guideline Sentence Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing in the manner described in 204 Pa. Code § 303.1(e).

(e) Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software Web application (SGS Web) shall be used at the court's direction to report all revocations of probation, county intermediate punishment, and state intermediate punishment and related resentences to the Commission. The information shall be electronically submitted to the Commission via SGS Web no later than 30 days after the date of resentencing.

§ 307.3. Procedure for determining the guideline resentence.

(a) For a technical violation resulting in the revocation of an order of probation or a sentence of county intermediate punishment or state intermediate punishment, the re-sentencing guidelines shall be the same as the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines).

(b) For a conviction violation resulting in revocation of an order of probation or a sentence of county intermediate punishment or state intermediate punishment, the re-sentencing guidelines shall begin with the initial sentencing guidelines, pursuant to 204 Pa. Code Chapter 303 (relating to sentencing guidelines), and include consideration of the following:

(1) If the PRS category of the initial sentencing guidelines is PRS 0 through PRS 4, the PRS is increased by one category;

(2) If the PRS category of the initial sentencing guidelines is PRS 5, RFEL, or REVOC, there is no change to the PRS category.

(c) If the revocation of an order of probation or a sentence of county intermediate punishment or state intermediate punishment is related to both a technical violation and a conviction violation, the resentencing guidelines for the conviction violation apply.

§ 307.4. Guideline resentence recommendations.

(a) Prior to resentencing, the Commission recommends the court obtain additional information via a risk-needs assessment or a risk-needs-responsivity assessment to identify any rehabilitative needs that may be addressed in a resentence.

(b) Guideline resentencing recommendations relating to sentencing level, sentencing programs, aggravated and mitigated circumstances, and economic sanctions shall be the same as those provided for guideline sentence recommendations pursuant to 204 Pa. Code §§ 303.11, 303.12, 303.13 and 303.14.

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