

PENNSYLVANIA BULLETIN

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January—September 2022

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

No. 575, October 2022

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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.pacodeandbulletin.gov.

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.

The *Pennsylvania Bulletin* is available at www.pacodeandbulletin.gov.

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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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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2022.

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THE GOVERNOR

Title 4—ADMINISTRATION

PART I. GOVERNOR'S OFFICE

[4 PA. CODE CH. 7]

[EXECUTIVE ORDER 2022-03]

Expansion of Voter Registration Opportunities

September 7, 2022

Whereas, this Administration is committed to ensuring that all Pennsylvania citizens eligible to vote have the opportunity to register to do so; and

Whereas, Article 1, Section 5 of the Pennsylvania Constitution recognizes the importance of the free exercise of the right of suffrage; and

Whereas, Section 4(a) of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20503(a), requires that every State establish procedures to allow eligible voters to register to vote through application made simultaneously with an application for a motor vehicle driver’s license, by mail application, and by application in person; and

Whereas, Section 7(a)(2) of the NVRA provides that each State “shall designate as voter registration agencies” for the registration of voters in elections for Federal office all offices in the State that provide public assistance and that provide State-funded programs primarily engaged in providing services to persons with disabilities, 52 U.S.C. § 20506(a)(2); and

Whereas, Section 7(a)(3) of the NVRA further provides that each State “shall designate other offices within the State as voter registration agencies” which “may include” various other types of State or local government offices, 52 U.S.C. § 20506(a)(3); and

Whereas, the Pennsylvania voter registration law, 25 Pa.C.S. Part IV, implements the aforesaid provisions of the NVRA; and

Whereas, Section 1325(a) of the Pennsylvania voter registration law, 25 Pa.C.S. § 1325(a), provides that the Secretary of the Commonwealth “shall administer a system whereby all offices in this Commonwealth that provide public assistance, each county clerk of orphan’s court, including each marriage license bureau, all offices in this Commonwealth that provide State-funded programs primarily engaged in providing services to persons with disabilities and all armed forces recruitment centers” are required to perform voter registration activities mandated by the NVRA; and

Whereas, each aforesaid office described in Section 1325(a) of the Pennsylvania voter registration law is colloquially known and referred to as an “NVRA Agency”, and the collection of offices taken together as “NVRA Agencies”; and

Whereas, Section 1327(c) of the Pennsylvania voter registration law, 25 Pa.C.S. § 1327(c), requires that the Secretary of the Commonwealth make voter registration forms available for distribution to other entities so that such entities can provide voter registration application materials to their constituents; and

Whereas, the entities described in 25 Pa.C.S. § 1327(c) include: public libraries, public schools, State-related institutions of higher education, offices operated by the Department of Revenue, offices operated by the Department of Aging, area agencies on aging, offices operated by the Pennsylvania Game Commission or any of its authorized license-issuing agents, offices operated by the Pennsylvania Fish and Boat Commission or any of its authorized licensing agents, and offices that provide unemployment compensation; and

Whereas, it is the intention of this Executive Order to expand the availability of voter registration materials in state agencies for voter registration in addition to those already provided through the NVRA and the Pennsylvania voter registration law as described above; and

Whereas, it is imperative to provide the opportunity to register to vote to all citizens of the Commonwealth eligible to vote; and

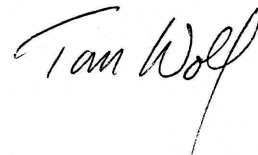
Whereas, federal Executive Order No. 14019 of March 7, 2021, 86 Fed. Reg. 13623, recognizes that the right to vote “is the foundation of American democracy” and is focused upon promoting voting registration and participation opportunities for eligible citizens; and

Whereas, the Governor’s Executive Order No. 2019-04 encourages a “Citizen-First framework that promotes the innovative spirit and skills of the Enterprise through its personnel and technologies,” including expanding the use of Keystone login and allowing for alignment and integration of business and IT functions across agencies; and

Whereas, the Department of State is the entity charged with implementing the Pennsylvania voter registration law and will provide a working group to support all entities impacted by this Executive Order, which will provide training and support on all implementation and reporting requirements; and

Whereas, this Administration is committed to expanding the opportunities for eligible citizens to register to vote and facilitate that process when citizens interact with State Executive branch and cooperating federal agencies.

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 order and direct the following:



Governor

Fiscal Note: Executive Order 2022-03. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR’S OFFICE

CHAPTER 7. MISCELLANEOUS PROVISIONS

Subchapter GGG. EXPANSION OF VOTER REGISTRATION OPPORTUNITIES

Sec.	
7.931.	Definitions.
7.932.	Designation of voter registration distribution agencies.
7.933.	Duties of voter registration distribution agencies.
7.934.	Prohibitions on voter registration distribution agencies.
7.935.	Coordination with Federal agencies.
7.936.	Designation of lead agency to implement this subchapter.
7.937.	Voter registration month.
7.938.	General.
7.939.	Effective date.

§ 7.931. Definitions.

The words and phrases used in this subchapter shall have the following meanings:

Department of State. The Commonwealth of Pennsylvania Department of State.

Voter registration distribution coordinator (coordinator). An individual designated at each identified Voter Registration Distribution Agency, who serves as the point of contact for the Department of State for any training, reporting, or other related items and manages the implementation of the voter registration distribution process. Coordinators will also participate in the Department of State NVRA Working Group and all trainings provided by the Department of State.

Voter registration materials. An official voter registration mail application not specific to any county registration office, an accompanying non-postage paid envelope, and instructions as to where the completed voter registration application is to be sent, all of which are to be provided by the Department of State.

Voter registration signage. Nonpartisan signs or posters that indicate official voter registration materials are available on the premises.

§ 7.932. Designation of voter registration distribution agencies.

The following Commonwealth agencies and programs are hereby designated as voter registration distribution agencies and shall have the duties as set forth in § 7.933 (relating to duties of voter registration distribution agencies): Department of State, Department of Agriculture, Department of Conservation and Natural Resources, Bureau of Community Corrections at the Department of Corrections, Department of Education, Labor and Industry programs at PA CareerLink(R) offices and Department of Military and Veterans Affairs.

§ 7.933. Duties of voter registration distribution agencies.

Voter registration distribution agencies are directed to do the following:

- (1) designate a voter registration distribution coordinator;
- (2) make voter registration materials available on the premises;
- (3) provide voter registration materials to any individual interacting with voter registration distribution agencies who shall request voter registration materials;
- (4) display prominently in a conspicuous location voter registration signage;
- (5) work with the Office of Administration to establish a timeline for implementation of the Department of State's voter registration web application into voter registration distribution agencies' customer facing portal(s) as appropriate;
- (6) provide a link to the Pennsylvania online voter registration application on their internet home page until the time that the voter registration web application has been implemented in customer facing portal(s); and
- (7) provide statistical information to the Department of State quarterly to assess the effectiveness of this voter registration program.

§ 7.934. Prohibitions on voter registration distribution agencies.

Employees of voter registration distribution agencies, in fulfilling their duties set forth under § 7.933 (relating to duties of voter registration distribution agencies), shall not:

- (1) seek to influence any individual's political preference or party registration or display any political preference or party allegiance;
- (2) make any statement to any individual or take any action the purpose or effect of which is to discourage anyone from registering to vote; or
- (3) make any statement or take any action the purpose or effect of which is to lead an individual to believe that a decision to register or not to register has any bearing on or will impact in any way the availability of services or benefits provided to the individual by said agency.

§ 7.935. Coordination with Federal agencies.

The Department of State shall work with the Federal government to identify Federal agencies that interact with residents in this Commonwealth and are authorized to enter agreements with these Federal agencies by which those agencies will provide voter registration materials as described in § 7.933 (relating to duties of voter registration distribution agencies), consistent with all applicable laws.

§ 7.936. Designation of lead agency to implement this subchapter.

The Department of State is hereby designated as the lead agency under the Governor's jurisdiction to coordinate implementation of this subchapter.

§ 7.937. Voter registration month.

This subchapter designates September as voter registration month and encourages all NVRA Agencies or voter registration distribution agencies to engage with the Department of State in encouraging voters to register, or if they are registered, to review and update their voter registration during the month of September. The Department of State will provide materials and lead coordination of voter registration month efforts.

§ 7.938. General.

This subchapter shall be implemented consistent with applicable law. This subchapter is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies or entities, its officers, employees or agents, or any other persons.

§ 7.939. Effective date.

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

[Pa.B. Doc. No. 22-1505. Filed for public inspection September 30, 2022, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

COMMISSION ON SENTENCING

[204 PA. CODE CH. 309]

Adopted State Parole Guidelines

On March 10, 2022, the Pennsylvania Commission on Sentencing approved for the purpose of public comment proposed State Parole Guidelines. The proposed guidelines were published in the *Pennsylvania Bulletin* on April 23, 2022 (52 Pa.B. 2344). Public hearings were held on May 31, 2022 (via Zoom for incarcerated individuals at the Pennsylvania Department of Corrections) and June 1, 2022 (in Harrisburg and via Zoom for the general public). Previous public hearings were held on August 31, 2020 (via Zoom for incarcerated individuals at the Pennsylvania Department of Corrections) and September 9, 2020 (via Zoom for the general public).

On June 2, 2022, the Pennsylvania Commission on Sentencing adopted the State Parole Guidelines. The guidelines adopted by the Commission are 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.

The Commission is authorized by 42 Pa.C.S. § 2154.5 to adopt guidelines that shall be considered by the Pennsylvania Parole Board and any other paroling entity when exercising its power to parole and reparole all persons sentenced by any court in this Commonwealth to imprisonment in any correctional institution. The guidelines are to:

- (1) Give primary consideration to the protection of the public and to victim safety;
- (2) Provide for due consideration of victim input;
- (3) Be designed to encourage inmates and parolees to conduct themselves in accordance with conditions and rules of conduct set forth by the department or other prison facilities and the board;
- (4) Be designed to encourage inmates and parolees to participate in programs that have been demonstrated to be effective in reducing recidivism, including appropriate drug and alcohol treatment programs;
- (5) Provide for prioritization of incarceration, rehabilitation and other criminal justice resources for offenders posing the greatest risk to public safety; and
- (6) Use validated risk assessment tools, be evidence based and take into account available research relating to the risk of recidivism, minimizing the threat posed to public safety and factors maximizing the success of reentry.

These initial State Parole Guidelines, as adopted by the Commission, are summarized below, and set forth in Annex A.

REPRESENTATIVE TODD STEPHENS,
Chair

Commentary

This Commentary highlights key factors considered in the development and adoption of the State Parole Guidelines. The State Parole Guidelines are set forth in Annex A.

As provided in statute, 61 Pa.C.S. § 6102 (relating to operation of parole system generally): The parole system shall operate consistently with the following provisions:

(1) The parole system provides several benefits to the criminal justice system, including the provision of adequate supervision of the offender while protecting the public, the opportunity for the offender to become a useful member of society and the diversion of appropriate offenders from prison.

(2) In providing these benefits to the criminal justice system, the board and any other paroling entity shall first and foremost seek to protect the safety of the public.

(3) In addition to this goal, the board and any other paroling entity shall address input by crime victims, assist in the fair administration of justice by ensuring the custody, control and treatment of paroled offenders, shall consider any applicable guidelines established by the commission and shall ensure that parole proceedings, release and recommitment are administered in an efficient and timely manner.

Further, 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole) requires the Commission to adopt guidelines for parole that consider the following:

- (1) Give primary consideration to the protection of the public and to victim safety;
- (2) Provide for due consideration of victim input;
- (3) Be designed to encourage inmates and parolees to conduct themselves in accordance with conditions and rules of conduct set forth by the department or other prison facilities and the board;
- (4) Be designed to encourage inmates and parolees to participate in programs that have been demonstrated to be effective in reducing recidivism, including appropriate drug and alcohol treatment programs;
- (5) Provide for prioritization of incarceration, rehabilitation and other criminal justice resources for offenders posing the greatest risk to public safety; and
- (6) Use validated risk assessment tools, be evidence based and take into account available research relating to the risk of recidivism, minimizing the threat posed to public safety and factors maximizing the success of reentry.

Pursuant to 61 Pa.C.S. § 6137 (relating to parole power), the Board is required to consider guidelines for parole and reparole established by the Commission, and to report to the Commission the parole and reparole decision and provide a contemporaneous written statement of reasons for any deviation from the guidelines. In addition to consideration of the guidelines, the Board may develop and use internal decisional instruments.

The guidelines for parole established by the Commission are advisory guidelines, which must be considered by the Board but for which the Board may exercise discretion in deviating from the recommendations. The guidelines do not remove the discretionary authority of the Pennsylvania Parole Board, and do not prevent the Board from adopting policies and procedures related to parole decision-making.

As described in the document published prior to the 2020 public hearings, the Commission has proposed a two-step process for consideration of state parole. The first step involves the preparation and consideration of the State Parole Guidelines recommendation; the second step involves the consideration by the Board of these guidelines and other factors that may require or suggest a deviation from the guidelines.

The preparation of the State Parole Guidelines recommendations involves two categories of factors: risk and preparedness. As required by statute, a validated risk assessment instrument, the Level of Service Inventory—Revised (LSI-R), is used to address public and victim safety, while the analysis of objective criteria related to behavior and compliance and the weighting of factors identified during the parole interview are used to address readiness for parole. Based on these factors, recommendations to grant or refuse parole for individuals with a current conviction for a violent offense, or for individuals with a prior conviction within ten years for a violent offense, are included in the State Parole Guidelines Matrix (Violent) found at § 309.4(a). Recommendations to grant or refuse parole for all other individuals are included in the State Parole Guidelines Matrix (Non-Violent) found at § 309.4(b).

The parole guidelines also require the Board to consider statutory mandates and factors such as public safety inputs and reentry needs to further individualize the decision by the Board and inform the exercise of discretion. The State Parole Guidelines Form, found at § 309.5, is used to document and report decisions by the Board and reasons for deviation from the guidelines to the Commission.

Following the public hearings held in 2020, the Commission approved several modifications to the proposed State Parole Guidelines that were initially published. These include changes to the interview factors in order to give greater consideration to progress in rehabilitation, treatment, and education; replacing override factors with a non-exclusive list of reasons for deviation from the parole guidelines; and collecting additional information based on the parole decision: when parole is granted, conditions imposed that are not required by statute nor recommended by a validated risk assessment case management plan; and when parole is denied, reasons for scheduling a review that is more than one year from the date of the parole decision. The Commission also continued discussions with the Department of Corrections and the Parole Board regarding the transition away from the use of the LSI-R as the validated risk assessment instrument.

On September 10, 2020, the Commission tabled action on adoption of the parole guidelines anticipating validation and deployment by the Pennsylvania Department of Corrections (DOC) of a new risk assessment instrument, the Static Risk Offender Needs Guide—Revised (STRONG-R), intended to replace the LSI-R as the validated risk assessment instrument. However, due to delays in the implementation of STRONG-R and recognizing the continued use of the LSI-R by the DOC and Parole Board, the Commission voted on March 10, 2022 to resume consideration of the State Parole Guidelines. Because of the nearly two-year delay in action, the Commission voted to publish a revised version of the proposed guidelines, intended to serve as interim parole guidelines until the validation and deployment of the STRONG-R, and the subsequent reconstruction of the

parole guidelines. Following public hearings held on May 31, 2022 and June 1, 2022, the Commission adopted the State Parole Guidelines on June 2, 2022.

Commentary on Annex A

§ 309.1. Preliminary provisions.

Sub-section (a) provides the statutory authority for adopting guidelines for parole (42 Pa.C.S. § 2154.5).

Sub-section (b) provides definitions of terms used in the guidelines, as obtained from the Pennsylvania Parole Board, Department of Corrections, and Commission on Sentencing.

§ 309.2. State parole guidelines standards.

Section 309.2 addresses standards provided in statute for consideration of the guidelines by the Pennsylvania Parole Board, and the reporting of decisions to the Commission.

§ 309.3. Procedures for determining state parole guidelines.

The guidelines recommendations are based on two categories of factors: 1) the risk to public safety, as measured by the risk of recidivism and 2) an assessment of an offender's preparedness for parole release, as measured by pre-interview and interview factors. Both categories were developed based on data analysis of past parole decisions, recidivism, and decision makers' policies and philosophies.

The risk score utilizes the ten criminogenic domains of the Level of Services Inventory-Revised (LSI-R). Scores range from 0 to 54, with higher scores indicating a higher rate of recidivism risk. The guidelines include three risk levels based on risk score: low (0—19), medium (20—33), and high (34 and greater).

The preparedness score is based on seven pre-interview factors and four interview factors. Each is scored as a '1' or '0,' with '1' being more positive or indicating success. Pre-interview factors are a combination of actuarial and dynamic factors and include the Department of Corrections' recommendation. Interview factors are grounded in the professional judgement of the decision makers. The guidelines include three preparedness levels based on preparedness scores: low (0—7), medium (8-9), and high (10-11).

The recommendation to grant or refuse parole is based on the intersection of the risk and preparedness categories. These slightly vary depending upon whether the offender has a current or past conviction within ten years for a violent offense.

The guidelines are advisory, and the Board may deviate from the guidelines. Reasons for deviation are required and must be reported to the Commission with other parole-related information. Reasons include but are not limited to mental health or medication compliance status, negative interest in parole, an outstanding detainer, judicial input, prosecution or public safety input, and if the maximum sentence date occurs in less than one year.

The guidelines apply to parole decisions for offenders initially being considered for parole and to those previously denied parole. They also apply to parole violators being considered for reparole.

§ 309.4. State parole guidelines matrices.

The state parole matrices contain recommendations to grant or refuse parole based on two categories of factors: risk of re-offense and preparedness for parole. Each cell recommends either 'grant' or 'refuse' parole. The State Parole Guidelines Matrix (Violent) found at § 309.4(a) applies to those with a current (instant) or previous

conviction within ten years for a violent offense. The State Parole Guidelines Matrix (Non-Violent) found at § 309.4(b) applies to those without a current (instant) or previous conviction within ten years for a violent offense. The recommendations are based on recidivism analysis and grant rates, with a difference between the two matrices found at the intersection of the medium preparedness and medium risk categories.

§ 309.5. *State parole guidelines form.*

The form documents the risk level associated with the LSI-R score, all pre-interview and interview factors and the associated preparedness level, the state parole guidelines recommendation based on the applicable matrix (violent, non-violent), the decision by the Board, any reason(s) for deviation from the guidelines, and information on conditions of parole or reasons for delay in reviewing a case in which parole is denied.

Resource Utilization

In accordance with 42 Pa.C.S. § 2153(a)(15), prior to the adoption of changes to guidelines, the Commission is mandated to determine the resources that are required under current guidelines and the resources that would be required to carry out any proposed changes. Since the State Parole Guidelines adopted by the Commission are initial guidelines rather than changes to guidelines, there are no current guidelines from which to make a determination, and no basis for determining Board compliance with the State Parole Guidelines. However, based on data analyzed from all Board interviews conducted from 2010—2016, parole is recommended in 59% of all interviews, consistent with the Board grant rate of 59%; recommendations to parole those classified as violent is 41%, as compared to the Board grant rate of 51%; and recommendations to parole those classified as non-violent is 76%, as compared to the Board grant rate of 66%.

Effective Date

The State Parole Guidelines shall become effective January 1, 2023 unless disapproved by the General Assembly, pursuant to 42 Pa.C.S. § 2155(b).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART VIII. CRIMINAL SENTENCING

CHAPTER 309. PAROLE GUIDELINES

Subchapter A. STATE PAROLE GUIDELINES

§ 309.1. Preliminary provisions.

(a) *Authorization.*

(1) As authorized by 42 Pa.C.S. § 2154.5 (relating to adoption of guidelines for parole), the Pennsylvania Commission on Sentencing (Commission) shall adopt guidelines that shall be considered by the Pennsylvania Parole Board when exercising its power to parole and reparole all persons sentenced by any court in this Commonwealth to imprisonment in any state correctional institution.

(i) The guidelines shall do all of the following:

(A) Give primary consideration to the protection of the public and to victim safety;

(B) Provide for due consideration of victim input;

(C) Be designed to encourage inmates and parolees to conduct themselves in accordance with conditions and rules of conduct set forth by the department or other prison facilities and the board;

(D) Be designed to encourage inmates and parolees to participate in programs that have been demonstrated to be effective in reducing recidivism, including appropriate drug and alcohol treatment programs;

(E) Provide for prioritization of incarceration, rehabilitation and other criminal justice resources for offenders posing the greatest risk to public safety; and

(F) Use validated risk assessment tools, be evidence based and take into account available research relating to the risk of recidivism, minimizing the threat posed to public safety and factors maximizing the success of reentry.

(ii) Notwithstanding any other provision of law, this section shall not remove the discretionary parole authority of the board when exercising its power to parole and reparole.

(b) *Definitions.* For purposes of this chapter:

“*Aggregated Sentence.*” Two or more consecutive sentences that have been combined whereby the aggregate minimum term is the sum of the consecutive minimum terms and the aggregate maximum term is the sum of the consecutive maximum terms.

“*Conviction Offense.*” Offense for which the original sentence was imposed.

“*Court.*” A court of record.

“*Detainer.*” A written order of the court or paroling authority to hold a person in custody in a correctional institution pending further legal action.

“*Hearing Examiner.*” An agent of the Parole Board who is empowered to sit on parole revocation panels, conduct parole hearings in lieu of panels and conduct parole interviews on behalf of the Parole Board.

“*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.

“*Misconduct.*” Any violation of Pennsylvania Department of Corrections rules, regulations, or policies as provided in DC-ADM 801, Inmate Discipline Procedures Manual. A detailed list of “criminal or assaultive misconducts” considered in the pre-interview factors is found at DC-ADM 801 Category A Misconducts/Rule Violations (Formal Resolution Only).

“*Non-Violent Offender.*” An offender not currently or previously convicted of a violent offense, for which the State Parole Guidelines Matrix (Non-Violent) applies. Non-violent offenders include but are not limited to those eligible for the following:

“*Rebuttable Parole.*” A statutorily designated non-violent inmate who has been certified by the DOC based on a good conduct record and nonviolent history.

“*Recidivism Risk Reduction Incentive (RRRI).*” A sentence imposed upon a non-violent inmate that can allow the opportunity to reduce the minimum sentence upon completion of recommended programming while maintaining a good conduct record.

“*Short Sentence Parole.*” Offenders sentenced to state incarceration with an aggregate minimum sentence of two years or less or a recidivism risk reduction incentive minimum sentence of two years or less, excluding ineligibility as defined in 61 Pa.C.S. § 6137.1, may be approved by the Board for parole without requiring an interview. If an offender is committed to the Department of Corrections after the expiration of the minimum sentence, parole may be approved within 30 days after commitment.

“Original Sentence.” The sentence resulting from the original conviction. It is from this sentence the Board paroles the inmate and the parolee serves the remaining time on the street unless recommitted by the Board.

“Panel.” A two-member unit of the Parole Board comprised of either two Board Members or one Board Member and one Hearing Examiner, empowered to make parole release decisions and recommitment decisions.

“Parole.” The conditional release from imprisonment of an inmate from a correctional facility to serve the remainder of his/her unexpired sentence in the community under supervision as long as (s)he satisfactorily complies with all terms and conditions provided in the parole order.

“Parole Preparedness Category.” One of two factors used to determine the recommendations contained in the State Parole Guidelines matrix. The parole preparedness category is a scale based on 11 factors identified prior to and during the parole interview, intended to measure an inmate’s readiness for parole release. A higher score indicates greater preparedness. One point is assigned for each positive assessment; 0 points for each negative assessment.

“Parole Risk Category.” One of two factors used to determine the recommendations contained in the State Parole Guidelines matrix. The parole risk category is determined through the Level of Service Inventory-Revised (LSI-R). The LSI-R is a validated risk-screening instrument used by the Department of Corrections. LSI-R assesses an inmate’s general risk based on each of 10 criminogenic domains. Scores range from 0 to 54, with scores of 0 to 19 designated as low risk, scores of 20 to 33 designated as medium risk, and scores of 34 to 54 designated high risk.

“Pennsylvania Parole Board (Board).” An independent executive branch agency comprised of nine members appointed by the Governor and confirmed by the Senate for six-year terms.

“Reasons for deviation.” Common reasons found for deviation from parole guidelines include mental health/medication compliance, negative interest in parole, judicial input, prosecution/public safety input, detainer status, and less than one year until maximum sentence reached. Other reasons may apply. Decision makers are required to provide one or more reasons when deviating from the State Parole Guidelines recommendation.

“Sentencing Guidelines Software Web Application (SGS Web).” A JNET-based application operated by the Commission which includes the modules for Sentencing, Resentencing, and Parole 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.

“State Parole.” The Pennsylvania Parole Board has paroling authority for offenders sentenced to state incarceration.

“Underlapping Concurrent Sentence.” A sentence that is served at the same time as the controlling sentence but has a shorter minimum and/or maximum sentence than the controlling sentence.

“Violent Offender.” An offender with a current or previous conviction within ten years as provided below, or offenses otherwise designated by the Pennsylvania Parole Board as violent offenses, for which the State Parole Guidelines Matrix (Violent) applies:

- 42 Pa.C.S. § 9714(g)
- 42 Pa.C.S. § 9718.1
- 42 Pa.C.S. § 9799.14

§ 309.2. State parole guidelines standards.

(a) *Guidelines.* The Board shall consider the State Parole Guidelines when exercising its power to parole and reparole all persons sentenced by any court in this Commonwealth to a state correctional institution.

(b) *Effective Date.* The State Parole Guidelines apply to all persons sentenced to a state correctional institution and considered for parole on or after January 1, 2023. Amendments to the parole guidelines shall apply to all persons sentenced to a state correctional institution and considered for parole on or after the effective date of the Amendment.

(c) *Reasons.* In every case in which the Board renders a parole decision, the Board shall make as part of the record a statement of the reason or reasons for the decision to grant or refuse parole.

(d) *Deviation from the Guidelines.* In every case in which the Board deviates from the guidelines, the Board shall identify reasons for deviation from the guidelines, and the reasons for the deviation from the guidelines shall be recorded on the State Parole Guidelines Form, a copy of which shall be electronically transmitted to the Pennsylvania Commission on Sentencing (Commission) in the manner described in subsection (e).

(e) *Reporting decision.* Unless otherwise provided by the Commission, the JNET-based Sentencing Guidelines Software application (SGS Web) shall be used at the Board’s direction to prepare and submit State Parole Guidelines Forms and guidelines-required parole decision information for each consideration of parole or reparole. An example of the State Parole Guidelines Form is found at § 309.5 (relating to State Parole Guidelines Form).

(1) The completed State Parole Guidelines Form shall be made a part of the record and the information electronically submitted to the Commission no later than 30 days after the date of the parole decision.

(2) In the case of revocation and recommitment, the completed State Parole Guidelines Form used to report the grant of parole shall be attached to the State Parole Guidelines Form prepared for each consideration of reparole.

§ 309.3. Procedures for determining state parole guidelines.

(a) The State Parole Guidelines consider two categories of factors to determine the parole recommendation: parole risk category and parole preparedness category.

(1) *Parole Risk Category.*

(i) *Risk score.* The LSI-R score is calculated prior to the interview, and the score is used to determine the risk level.

(ii) *Risk Level.* The LSI-R score is divided into three levels:

- (A) High Risk (scores 34 and greater)
- (B) Medium Risk (scores of 20 to 33)
- (C) Low Risk (scores 19 and less)

(2) *Parole Preparedness Category.*

(i) *Pre-Interview Factors.* The pre-interview factors are determined based on a review of Department of Corrections records and scored as a “1” or a “0,” with 1 being successful or positive.

(A) Factors directly related to the offender’s behavior and compliance:

(I) Enrollment in and/or completion of required programs.

(II) Misconduct free for the past 12 months.

(III) Free of criminal or assaultive misconducts for the past 12 months.

(IV) One or no prior probation or parole revocations.

(V) Free of alcohol or drug dependence.

(VI) Compliance with all prescribed medications.

(B) Factor related to the recommendation of the Department of Corrections.

(ii) *Interview Factors.* The interview preparedness factors are based on the professional judgement of the decision maker(s) following a parole interview and scored as a “1” or a “0,” with 1 being positive or successful.

(A) Factors related to progress and commitment to rehabilitation:

(I) Motivation for success or progress in rehabilitation, treatment, or education.

(II) Acceptance of responsibility.

(III) Insight and positive response to address criminal behavior.

(B) Stable release plan (community and/or family support).

(iii) *Preparedness Level.* The preparedness score is the total of the pre-interview and interview factors and is divided into three levels:

(A) Low preparedness: Score 0 to 7.

(B) Medium preparedness: Score 8 to 9.

(C) High preparedness: Score 10 to 11.

(b) The State Parole Guidelines recommendations are based on the combination of the risk level and preparedness level and include consideration of whether the individual is classified as violent or non-violent. These recommendations are contained in two matrices and found at § 309.4(a) (relating to State Parole Guidelines Matrix (Violent)) and § 309.4(b) (relating to State Parole Guidelines Matrix (Non-Violent)).

(c) *Deviations from the Guidelines.* The State Parole Guidelines are advisory. The Board must consider the guidelines but may exercise discretion in deviating from the recommendation.

(1) Reasons for deviations from the State Parole Guidelines shall be provided on the State Parole Guidelines Form and reported to the Pennsylvania Commission on Sentencing (Commission).

(2) Reasons for deviation from the State Parole Guidelines may include but are not limited to the following:

(i) Mental health or medication compliance.

(ii) An inmate’s negative interest in parole.

(iii) Judicial input.

(iv) Prosecution and public safety input.

(v) Outstanding detainee.

(vi) Maximum sentence date is less than one year from interview date.

(3) *Additional information.* The following information shall be provided on the State Parole Guidelines Form and reported to the Commission:

(i) If parole is granted, condition(s) of parole ordered but not required by statute or recommended by a validated risk assessment case management plan.

(ii) If parole is denied, reason(s) a review is scheduled more than one year from the date of the parole decision.

(d) *Additional Applications.*

(1) The State Parole Guidelines must be considered in all cases for which the Board is authorized to exercise discretionary parole, including all initial and subsequent parole decisions.

(2) For individuals recommitted as parole violators, the State Parole Guidelines must be considered prior to reparole.


§ 309.4(a). State Parole Guidelines Matrix (Violent).

		Preparedness Category		
		Low	Medium	High
Risk Category	High	Refuse	Refuse	Grant
	Medium	Refuse	Refuse	Grant
	Low	Refuse	Grant	Grant

§ 309.4(b). State Parole Guidelines Matrix (Non-Violent).

		Preparedness Category		
		Low	Medium	High
Risk Category	High	Refuse	Refuse	Grant
	Medium	Refuse	Grant	Grant
	Low	Refuse	Grant	Grant

§ 309.5. State Parole Guidelines Form.

	Pennsylvania Commission on Sentencing STATE PAROLE GUIDELINES FORM	Commission ID: _____ Date Risk Score Calculated: _____																									
Offender Name: _____ Date of Birth: _____ Age at Interview: _____	State ID Number: _____ Parole ID Number: _____ Inmate Number: _____ Institution: _____	Type of Case: _____ Majority/Panel/RRRI Type of Interview: _____ Min/Min Subseq Repairole/Repairole Subsq Application Date of Interview: _____																									
Current Offense: _____ Total Sentence: _____ Minimum Date: _____ Maximum Date: _____	Violent: _____ Requires SORNA Registration: _____ Alcohol or Drug Related: _____ Firearm/Other Weapon Used: _____																										
Summary of Risk: Level of Service Inventory-Revised																											
LSI-R Score:	Overall Rating	Overall Risk Category																									
Summary of Preparedness Factors																											
Overall Rating	Overall Preparedness Category:																										
Pre-Interview Required programs completed or in progress? - Out of 11 Factors Free of misconducts for the past year? - 0 - 7 Low Free of criminal or assaultive misconducts for the past year? - 8 - 9 Medium Free of prior probation/parole revocations? - 10 - 11 High Free of alcohol or drug dependence? - Compliant with all prescribed medications? - Positive recommendation from DOC? -																											
Interview Expressed motivation for success or exhibited progress in rehabilitation, treatment, or education - Expressed acceptance of responsibility - Expressed insight and positive response to criminal behavior? - Stable release plan (community and/or family support)? - Total Score = _____																											
State Parole Guidelines Matrix (Violent)		State Parole Guidelines Matrix (Non-Violent)																									
Preparedness Category Low Medium High		Preparedness Category Low Medium High																									
Risk Category	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">High</td> <td style="width:25%;">Refuse</td> <td style="width:25%;">Refuse</td> <td style="width:25%;">Grant</td> </tr> <tr> <td>Medium</td> <td>Refuse</td> <td>Refuse</td> <td>Grant</td> </tr> <tr> <td>Low</td> <td>Refuse</td> <td>Grant</td> <td>Grant</td> </tr> </table>	High	Refuse	Refuse	Grant	Medium	Refuse	Refuse	Grant	Low	Refuse	Grant	Grant	Risk Category	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">High</td> <td style="width:25%;">Refuse</td> <td style="width:25%;">Refuse</td> <td style="width:25%;">Grant</td> </tr> <tr> <td>Medium</td> <td>Refuse</td> <td>Grant</td> <td>Grant</td> </tr> <tr> <td>Low</td> <td>Refuse</td> <td>Grant</td> <td>Grant</td> </tr> </table>	High	Refuse	Refuse	Grant	Medium	Refuse	Grant	Grant	Low	Refuse	Grant	Grant
High	Refuse	Refuse	Grant																								
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Low	Refuse	Grant	Grant																								
High	Refuse	Refuse	Grant																								
Medium	Refuse	Grant	Grant																								
Low	Refuse	Grant	Grant																								
Recommend Grant _____ Recommend Refusal _____		Recommend Grant _____ Recommend Refusal _____																									
Parole Decision																											
Grant parole _____ Refuse Parole _____																											
Does this decision deviate from the State Parole Guidelines recommendation? Yes No																											
Reasons for Deviation from the State Parole Guidelines																											
Mental Health / Medication Compliance _____ Negative Interest in Parole _____ Judicial Input _____ Prosecution/Public Safety Input _____ Detainer Status _____ Approaching Maximum Sentence (less than 1 year) _____ Other reason(s): _____ _____ _____																											
Additional Information																											
If parole is <u>granted</u> , list condition(s) not required by statute or recommended by a validated risk assessment case management plan: _____ _____																											
If parole is <u>denied</u> , provide reason(s) for a scheduled review greater than one year from the date of this parole decision: _____ _____																											

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Adoption of Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1 and Rescission of Philadelphia Court of Common Pleas Civil Rule *1569; President Judge General Court Regulation; No. 15 of 2022

Order

And Now, this 20th day of September, 2022, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on September 15, 2022, to adopt Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1, and to rescind Philadelphia Court of Common Pleas Civil Rule *1569, as follows to this Order, and, as required by Pa.R.J.A. 103, the Supreme Court Criminal Procedural Rules Committee has reviewed the following local rules, has determined that Rules *204.1, *215, *1041.1 are not inconsistent with applicable statewide rules, and has authorized their promulgation.

Now, therefore, it is hereby *Ordered* and *Decreed* that Philadelphia Court of Common Pleas Civil Rules *204.1, *215, *1041.1 are adopted, as follows, effective thirty days after publication in the *Pennsylvania Bulletin*.

It is further *Ordered* and *Decreed* that Philadelphia Court of Common Pleas Civil Rule *1569 is rescinded, effective thirty days after publication in the *Pennsylvania Bulletin*.

As required by Pa.R.J.A. 103(d), the local rule which follows this Order was 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 local rule is not inconsistent with any general rule of the Supreme Court. This Order and the following 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 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 <http://www.courts.phila.gov>, 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 IDEE C. FOX,
President Judge
Court of Common Pleas

Rule *204.1. Pleadings and Other Legal Papers. Format.

(a) In order to accommodate the filing of documents in an electronic format as authorized by Philadelphia Civil

Rule *205.4, all "legal papers," as defined in Pa.R.C.P. No. 205.4(a)(2), must conform to the following requirements:

(1) All files must be no larger than 5MB each. If an electronic file exceeds this limit, then it must be split into multiple files;

(2) All PDF pages must be 8 and 1/2 inches in size exactly. Other file sizes may be incompatible with electronic filing;

(3) Except as provided in Rule *205.2(b) Cover Sheet, Proposed Orders, and exhibits and attachments, all pages must be numbered consecutively in Arabic figures at the bottom: e.g. 1, 2, 3 etc. On the first page, the number may be suppressed and need not appear;

(4) No security, passwords or other restrictions may be placed on electronic files. If an electronic file contains passwords or other security devices, it will be rejected; and

(5) After an electronic file is created, it must not be modified in any way. If an electronic filing is modified, it may be incompatible with the electronic filing system and will be rejected.

(b) In order to accommodate the scanning of legal papers presented in hard-copy format and saving in an electronic format as provided by Philadelphia Civil Rule *205.4(b)(1), in addition to the requirements of Pa.R.C.P. No. 204.1, all hard-copy "legal papers" must conform to the following requirements:

(1) all legal papers must be printed on only one side of the paper;

(2) all orders must contain a 3-inch space from the top of the page for all electronic court stampings, filing notices, etc.;

(3) legal papers must not be stapled or permanently bound, but must be secured by binder clips or other fasteners which do not puncture or otherwise interfere with scanning;

(4) bar codes on any page of the legal paper interfere with scanning and must therefore be crossed out or otherwise redacted; and

(5) to avoid scanning errors, Exhibit separator pages must be used instead of Exhibit tabs.

Explanatory Note: The source of this rule is Administrative Docket No. 01-2008, issued by Administrative Judge D. Webster Keogh on July 16, 2008. Adopted by the Board of Judges on November 20, 2008; effective on January 5, 2009. Amended May 15, 2014, July 6, 2014 and September 19, 2022 effective October 31, 2022.

Rule *215. Assignment of Cases in the Trial Division.

A. All cases filed in the Trial Division of the Court of Common Pleas shall be listed for trial in accordance with those management procedures in effect for the program to which a case is assigned.

(1) *Arbitration Cases.* All cases which when filed are subject to compulsory arbitration under Philadelphia Civil Rule *1301 shall be assigned a hearing date and time upon commencement on the face of the initial filing.

(2) *Major Jury Cases.* All jury cases, other than Arbitration Appeals and Mass Tort matters, shall be listed for trial by the Judicial Team Leader for that Program to which a given case is assigned in accordance with the pertinent Case Management Order. Protracted and complex cases will be listed for dates certain. Those cases classified standard and expedited typically will be assigned to a trial pool for a given Pool Month within the

appropriate program. A Pool Month begins on the first Monday of each month ("Pool Month") and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

Whether a given case is assigned a date certain or a pool month date is within the sound discretion of the Program Team Leader (or his or her designee).

(3) *Non Jury Cases.* All Non Jury cases will be designated as either Commerce Program or Non Jury Program cases. Commerce Program cases will be listed for trial at a status conference by the Supervising Judge of the non Jury Program, located at the Complex Litigation Center.

(4) *Mass Tort Cases.* All Mass Tort cases shall be listed for trial by the Supervising Judge of the Mass Tort Program, located at the Complex Litigation Center.

(5) *Arbitration Appeal Cases.* All Arbitration Appeal cases shall be listed for trial by the Supervising Judge at the Complex Litigation Center in a monthly trial pool in accordance with a Case Management Order. A Pool Month begins on the first Monday of each month and continues until the start date of the next Pool Month. If the case is not reached during the Pool Month, it will be placed in each successive Pool Month until the matter is called for trial.

B. *Jury Trial Requests.* (1) Upon commencement of an action, the plaintiff shall pay the non jury listing fee, or if a jury trial is initially demanded, the jury listing fee. (2) Thereafter, a jury trial may be demanded and perfected in accordance with Philadelphia Civil Rule *1007.1. (3) Payment of a jury fee will determine the case program assignment, except in those cases seeking equitable relief which shall be in either the Commerce Program or the Non Jury Program.

Comment: This *Rule has been completely rewritten to comport with the principles of differentiated case management and the assignment of cases by program. Counsel are advised to consult, where appropriate, the following General Court Regulations and Administrative Orders: 1. Trial Division General Court Regulation No. 94-2. (Procedure and Criteria for Advanced Trial Listings pursuant to Pa.R.C.P. 214.) 2. General Court Regulation No. 95-2. (Day Forward Program. Procedure for Disposition of Major Jury Cases Filed on and after January 2, 1996.) 3. Administrative Docket No. 01 of 1998. (Protocol for Trial Pools in the Day Backward and the Day Forward Programs.) Editor's Note: This rule may be impacted by the following: Administrative Docket No. 01 of 1999, Administrative Docket No. 02 of 2003, General Court Regulation 95-2, Administrative Docket No. 01 of 1998, Administrative Docket No. 02 of 1993, Administrative Docket No. 04 of 2005, Administrative Docket No. 05 of 2005, General Court Regulation No. 2012-01, General Court Regulation No. 2012-03, and General Court Regulation No. 2013-01. Amended February 28, 2019, and September 19, 2022, effective October 1, 2022.

Rule 1041.1.

(A) Long Form Complaint.

(1) Counsel representing plaintiffs in asbestos cases may file a Long Form Complaint under the General Asbestos Pleading Numbers. The Long Form Complaint shall set forth all theories of recovery and all liability

allegations that the counsel filing it expects to advance in any asbestos case. To the greatest extent possible, all counsel regularly representing plaintiffs in asbestos cases should attempt to agree on a single Long Form Complaint subscribed to by each of them.

(2) The Long Form Complaint shall sufficiently identify each defendant against whom claims for asbestos related personal injuries are expected to be pursued and shall include the capacity in which each defendant will be sued.

(3) Upon approval of a Long Form Complaint by the Court, it shall be deemed to apply to all cases subsequently filed by that counsel. Counsel may subsequently file an Amended Long Form Complaint which shall then become the designated Long Form Complaint for that counsel without leave of Court, provided that no objection to the amendment is made by any party within thirty days of its filing with the Court.

(4) All theories of recovery and all liability allegations, including allegations of successor or predecessor liability, contained in any Long Form Complaint or Amended Long Form Complaint shall be automatically deemed denied and at issue as to any and all defendants.

(B) *Short Form Complaint.* Counsel who have filed a Long Form Complaint shall file and serve a Short Form Complaint in every asbestos case thereafter, containing the following information:

(1) The name, address, social security number and date of birth of each plaintiff or decedent;

(2) A list of the specific defendants against whom the claim is being made. Any defendant not previously identified in the Long Form Complaint must be sufficiently identified in the Short Form Complaint, including the capacity in which the defendant is being sued. Counsel are reminded of the provisions of Pa.R.C.P. 1023(b) regarding certification of the contents of pleadings, and are cautioned that no defendant may be included in a Short Form Complaint unless, after reasonable inquiry, it is believed in good faith that there exists a valid cause of action against that defendant;

(3) A complete employment history, including location and type of employment;

(4) The asbestos exposure dates with identification of corresponding employment;

(5) To the extent possible, the name and manufacturer of each asbestos-containing product to which exposure is alleged;

(6) With respect to each product identified in paragraph (5) above, the inclusion dates of exposure and the job site at which the exposure occurred;

(7) The disease claimed, along with date of diagnosis and the date of the plaintiff's first knowledge of the asbestos-related injuries;

(8) A statement as to whether or not a claim for lost wages is being asserted;

(9) If appropriate, the date of death, the authority of the named plaintiff to bring the suit and the persons entitled to recover under the relevant statutes; and

(10) If appropriate, any unusual allegations or jurisdictional statements specific to the particular case, which are not included in the Long Form Complaint.

(C) Responsive Pleadings by Defendants.

(1) In response to each Long Form Complaint, the defendants regularly named in asbestos cases may collectively assert all affirmative defenses on behalf of all defendants. This shall be accomplished by the filing of a pleading known as the defendants' Long Form New Matter. The defendants' Long Form New Matter shall be

filed with the Court within thirty (30) days of the filing of the [Master] Long Form Complaint to which it responds. The Long Form New Matter shall be deemed incorporated as a response to each Short Form Complaint filed under each Master Long Form Complaint. Defendants need not file responses to the liability allegations of the Long Form Complaint, including allegations of citizenship, place of doing business, and predecessor or successor liability, as they are automatically deemed denied and at issue. The defendants' Principal New Matter may be supplemented or amended at subsequent times by the filing of a Supplemental New Matter.

(2)(a) In response to a Short Form Complaint, each defendant may file an Entry of Appearance and Answer to Complaint, containing the name, address and telephone number of counsel representing each defendant, together with a statement incorporating the Long Form New Matter. Without waiver of the right to file preliminary objections or to contest jurisdiction or service, the filing of an Entry of Appearance and Answer to Complaint by a defendant shall be deemed to constitute a denial of all theories of recovery and all liability and damage allegations contained in the Long Form Complaint and the Short Form Complaint and an assertion of all defenses contained in the Long Form New Matter.

(b) If a complaint other than a Short Form Complaint is used by a plaintiff in a particular action, a defendant may file a Short Form Answer which responds only to allegations concerning the identity of the answering defendant. All remaining allegations shall be deemed denied and at issue. The Short Form Answer may set forth affirmative defenses by way of new matter, may incorporate by reference the defendants' Long Form New Matter, or may include any combination of both.

(3) A defendant may file preliminary objections, but any objections to personal jurisdiction, venue or service shall be deemed to have been waived unless they are filed within ninety (90) days after service of the complaint.

(4) Claims for contribution or indemnity by and among the defendants shall be implied and need not be asserted in a Short Form Answer. All such claims shall be deemed denied without the necessity of filing a reply.

(5) All new matter shall be deemed denied by all parties without the necessity of filing a reply.

(D) *Joinder of Additional Defendants.*

(1) An additional defendant joined by one defendant shall be deemed to have been joined by all defendants without the necessity of any further pleadings.

(2) Joinder of additional defendants shall be by means of a Short Form Joinder Complaint which shall consist of the following information:

(a) Identification of each additional defendant, including the capacity in which each additional defendant is being joined.

(b) A statement in the following form: You are hereby joined as an additional defendant in this action and it is asserted that you are alone liable to the plaintiff, jointly and severally liable to the plaintiff and/or liable to the original defendants for contribution and/or indemnification.

(c) The legal theory upon which each additional defendant is being joined if other than an alleged common law right to contribution or indemnity.

(3) A copy of the plaintiff's complaint or Short Form Complaint shall be attached to the Short Form Joinder Complaint.

(4) The Short Form Joinder Complaint must be filed and served in accordance with the Pennsylvania Rules of Civil Procedure.

(5) A party joined as an additional defendant may file an Entry of Appearance and Answer to Complaint in accordance with the provisions of paragraph (C)(2)(a) above, which shall constitute a denial of all liability and damage allegations of the joinder complaint and the plaintiff's complaint and shall also serve to assert all defenses set forth in the defendants' Long Form New Matter.

(6) An additional defendant may file a Short Form Answer to the joinder complaint in accordance with the provisions of paragraph (C)(2)(b) above which responds only to allegations concerning the identity of the additional defendant. All remaining allegations shall be deemed denied and at issue. The Short Form Answer may set forth affirmative defenses to the joinder complaint and the plaintiff's complaint by new matter, may incorporate by reference the defendants' Long Form New Matter, or may include any combination of both.

(7) In response to a Short Form Joinder Complaint, an additional defendant may file preliminary objections in accordance with the limitations set forth in paragraph (C)(3) above.

(8) Claims for contribution or indemnity against all other defendants and additional defendants shall be implied and need not be asserted in a Short Form Answer.

(9) An additional defendant may join other additional defendants under the same procedures set forth above for joinder by an original defendant.

(E) *Prospective Effect.* This rule shall have no effect on the rights of parties in actions where the pleadings were closed prior to the implementation of the procedures set forth herein.

(F) *Permissive Pleadings.* Notwithstanding any provision of this rule, any party may file and serve upon any other party any pleading containing any claim or defense permitted under the Pennsylvania Rules of Civil Procedure.

Note: Original Order dated July 30, 1986 in In Re: Asbestos Litigation, October Term, 1986, No. 0001. Former Rule *1019.1, renumbered and amended by order dated September 19, 2022, and published in the *Pennsylvania Bulletin* on October 1, 2022 and effective October 31, 2022.

Rule *1569. Partition Proceedings-Master's Report.

[A Master appointed under Pa.R.C.P. 1558(b) shall not file his report as required under Pa.R.C.P. 1569(a) until ten (10) days after he has notified all the parties who appeared before him that it is subject to their inspection and that it will be filed on a given date, unless written exceptions be filed with the Master before that time. If exceptions are filed, the Master shall re-examine the subject and amend his report, if, in his opinion, the exceptions are well founded in whole or in part.]

Note: Former Rule 125; originally Star Rule *1569 adopted June 7, 1956. **Rescinded October 31, 2022.**

[Pa.B. Doc. No. 22-1507. Filed for public inspection September 30, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

FAYETTE COUNTY

Local Rule 212.5; Mediation; No. 1815 of 2022 GD

Order

And Now, this 19th day of September 2022, pursuant to Pennsylvania Rule of Judicial Administration 103(d), it is hereby ordered that Fayette County Civil Rule 212.5, Mediation, is amended as follows hereto.

The Prothonotary is directed as follows:

(1) Two copies and CD-ROM of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(2) One copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(3) One copy of the Local Rule shall be sent to the Fayette County Law Library and the Editor of the *Fayette Legal Journal*.

The Administrative Office of Fayette County Courts is directed as follows:

(1) Publish a copy of the Local Rule on the website of the Administrative Office of Fayette County Courts.

(2) Thereafter, compile the Local Rule within the complete set of local rules no later than 30 days following the publication in the *Pennsylvania Bulletin*.

The amendment of the previously listed Local Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

JOHN F. WAGNER, Jr.,
President Judge

Rule 212.5. Mediation.

(a) Certification of Mediators.

(1) The President Judge shall certify as many mediators as determined to be necessary.

(2) All mediators will be members of the Fayette County Bar Association.

(3) An attorney may be certified by the President Judge as a mediator if:

(i) he or she has been a member of the Pennsylvania bar for a minimum of ten (10) years;

(ii) he or she has been admitted to practice before the Fayette County Court of Common Pleas;

(iii) he or she has been referred to the President Judge by the Civil Rules Committee of the Fayette County Bar Association. Notwithstanding such referral, the President Judge may nonetheless certify an attorney as a mediator.

(iv) he or she has been determined by the President Judge to be competent to perform the duties of a mediator;

(v) he or she has professional liability insurance in the minimum amount of a \$300,000.00 single limit policy.

(4) Each individual certified as a mediator shall take the oath or affirmation prescribed by 42 Pa.C.S.A. § 3151 before serving as a mediator.

(5) A list of all persons certified as mediators shall be maintained in the office of the Court Administrator.

(6) A member of the bar certified as a mediator may be removed from the list of certified mediators by the President Judge for any reason.

(b) Payment of Mediators.

(1) The parties shall pay the mediator directly. The court assumes no responsibility for the supervision or enforcement of the parties' agreement to pay for mediation services.

(2) Any charges relating to the mediator's services shall be shared equally by the parties.

(3) The mediator shall be paid a mediation fee of two hundred and fifty (\$250.00) dollars per hour, divided equally among all of the parties to the mediation. A deposit of two hundred and fifty (\$250.00) dollars shall be paid by each party within twenty (20) days of the order directing mediation. Failure to pay the deposit by all parties shall result in the cancellation of the mediation and shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019. Failure to pay the balance due twenty (20) days after receipt of the mediator's bill shall subject the offending party to sanctions pursuant to Pa.R.Civ.P. 4019.

(4) Except as provided herein, a mediator shall not accept anything of value from any source for services provided under the court-annexed mediation program.

(c) Types of Cases Eligible for Mediation.

Every personal injury, medical or professional malpractice, wrongful death or damage to property action filed in the Fayette County Court of Common Pleas is eligible for mediation, except any case which the assigned judge determines, after application by any party or by the mediator, is not suitable for mediation.

(d) Voluntary Mediation.

The parties to any civil action, with the exception of arbitration and domestic relations/custody cases, may voluntarily submit the case to mediation by filing a joint motion of all parties with the assigned judge.

(e) Mandatory Mediation.

The assigned judge may order a case to mandatory mediation at any time. All cases selected for mandatory mediation by the assigned judge, and which are not settled or referred to arbitration, shall be given preference pursuant to Pa.R.Civ.P. 214(2) on the trial list of the assigned judge.

(f) Mediation Conference Scheduling.

(1) When the court makes a determination that referral to mediation is appropriate, it shall issue an order referring the case to mediation, appointing the mediator, directing the mediator to establish the date, time and place for the mediation session and setting forth the name, address, and telephone number of the mediator.

Within ten (10) days of his or her assignment, the mediator shall notify all parties and the Court Administrator of the date, time and place of the mediation, which shall be within forty-five (45) days of the assignment.

(2) The mediation session shall be held before a mediator selected by the assigned judge from the list of mediators certified by the President Judge.

(3) The court administrator shall provide the mediator with a current docket sheet.

(4) The mediator shall advise the court administrator as to which documents in the case file the mediator desires copies of for the mediation session. The clerk shall provide the mediator with all requested copies at no charge to the mediator. However, the assigned Judge, in his or her discretion, may require that the parties share in the cost of providing the necessary copies.

(5) Any continuance of the mediation session beyond the period prescribed in the referral order must be approved by the assigned judge.

(6) A party may assert the bias or prejudice of an assigned mediator by filing an affidavit with the assigned judge stating that the mediator has a personal bias or prejudice. The judge may, in his or her discretion, end alternative dispute resolution efforts, refer the case to another mediator, refer the case back to the original mediator or initiate another alternative dispute resolution mechanism.

(g) *The Mediation Session and Confidentiality of Mediation Communications.*

(1) The mediation session shall take place as directed by the court and the assigned mediator. The mediation session shall take place in a neutral setting designated by the mediator.

(2) The parties shall not contact or forward documents to the mediator except as directed by the mediator or the court.

(3) At least ten (10) days prior to the Mediation, the parties and/or their attorneys shall be required to prepare and submit a Confidential Position Paper disclosed only to the mediator in the format attached or as modified by the mediator or the assigned judge. The Confidential position paper shall not become a part of the court record and shall be destroyed at the conclusion of the mediation.

(4) If the mediator determines that no settlement is likely to result from the mediation session, the mediator shall terminate the session and promptly thereafter file a report with the assigned Judge stating that there has been compliance with the requirements of mediation in accordance with the local rules, but that no settlement has been reached.

(5) In the event that a settlement is achieved at the mediation session, the mediator shall file a report with the assigned Judge stating that a settlement has been achieved. The order of referral may direct the mediator to file the report in a specific form.

(6) Unless stipulated in writing by all parties and the mediator or except as required by law or otherwise ordered by the court, all discussions which occur during mediation shall remain strictly confidential and no communication at any mediation session (including, without limitation, any verbal, nonverbal or written communication which refers to or relates to mediation of the pending litigation) shall be disclosed to any person not involved in the mediation process, and no aspect of the mediation session shall be used by anyone for any reason.

(7) No one shall have a recording or transcript made of the mediation session, including the mediator.

(8) The mediator shall not be called to testify as to what transpired in the mediation.

(9) Prior to the beginning of the mediation, all parties and their attorneys shall be required to sign a form developed by the Court wherein the parties agree:

- (i) to the terms of the mediation; and
- (ii) to waive any professional liability claims that they might assert against the mediator, the assigned Judge,

the Court of Common Pleas of the 14th Judicial District, or Fayette County, as a result of their participation in the mediation process.

(h) *Duties of Participants at the Mediation Session.*

(1) *Parties.* All named parties and their counsel are required to attend the mediation session, participate in good faith and be prepared to discuss all liability issues, all defenses and all possible remedies, including monetary and equitable relief. Those in attendance shall possess complete settlement authority, independent of any approval process or supervision, except as set forth in subparagraphs (A) and (B) below.

Unless attendance is excused, willful failure to attend the mediation session will be reported by the mediator to the court and may result in the imposition of sanctions pursuant to Pa.R.Civ.P. 4019.

(A) *Corporation or Other Entity.* A party other than a natural person (e.g., a corporation or association) satisfies this attendance requirement if represented by a person (other than outside counsel) who either has authority to settle or who is knowledgeable about the facts of the case, the entity's position, and the policies and procedures under which the entity decides whether to accept proposed settlements.

(B) *Government Entity.* A unit or agency of government satisfies this attendance requirement if represented by a person who either has authority to settle or who is knowledgeable about the facts of the case, the government unit's position, and the policies and procedures under which the governmental unit decides whether to accept proposed settlements. If the action is brought by or defended by the government on behalf of one or more individuals, at least one such individual also shall attend.

(2) *Counsel.* Each party shall be accompanied at the mediation session by the attorney who will be primarily responsible for handling the trial of the matter.

(3) *Insurers.* Insurer representatives are required to attend in person unless excused, if their agreement would be necessary to achieve a settlement. Insurer representatives shall possess complete settlement authority, independent of any approval process or supervision.

(4) *Request to be Excused.* A person who is required to attend a mediation session may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than ten (10) days before the date set for the mediation, a written request to the mediator, simultaneously copying all counsel. The written request shall set forth all considerations that support the request and shall indicate whether the other party or parties join in or object to the request. A proposed order prepared for the signature of the Judge shall be submitted to the mediator with the request. The mediator shall promptly consider the request and shall submit the proposed order to the Judge with a recommendation that the request be granted or denied. In the absence of an order excusing attendance, the person must attend.

Where an individual requests to be excused from personal participation at the mediation, a preference shall be given to attending by telephone at the expense of the excused party rather than complete excusal from the mediation.

(i) *Mediator’s Report.*

Within fifteen (15) days of the mediation, the mediator shall send to the assigned judge a mediation report which shall advise that court whether the case has settled. If not, the mediation report shall set forth the following:

- (1) plaintiff’s final settlement demand;
- (2) defendant’s final settlement offer;
- (3) Mediator’s assessment of liability;
- (4) Mediator’s assessment of damages;
- (5) Mediator’s opinion regarding potential range of verdict and settlement value of case; and
- (6) Mediator’s recommendation regarding settlement of case.

The mediator shall provide all parties and the Court Administrator with a copy of the mediation report.

**Appendix A: Form for Confidential Position Paper.
Confidential Position Paper**

- Case Caption:
- Docket #:
- Assigned Judge:
- Date of Report:
 - A. Summary of Critical Facts.
 - B. Insurance Coverage
 - C. Prior demands and offers of settlement
 - D. Issues that may assist the Mediator, with citations
 - E. Medical and Expert reports
 - F. Itemized list of damages
 - G. Succinct statement of position regarding liability and damages

[Pa.B. Doc. No. 22-1508. Filed for public inspection September 30, 2022, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LEHIGH COUNTY

Clerk of Orphans’ Court Division, Fee Schedule; File No. AO-2022-0001

Administrative Order

Now, this 19th day of September, 2022, upon consideration of the motion of the Clerk of the Orphans’ Court;

It Is Ordered pursuant to 42 P.S. § 21032.1 that the Fee Schedule for the Clerk of the Orphans’ Court Division that is as follows hereto and incorporated herein by this reference, is approved, and the charges set forth therein shall be the fees for services rendered by the said Clerk of the Orphans’ Court Division.

It Is Further Ordered that said Fee Schedule is effective November 1, 2022 and shall supersede any and all previously established fee schedules for the transaction of business with the Clerk of the Orphans’ Court Division.

It Is Further Ordered that the District Court Administrator shall file seven (7) certified copies of this Order with the Administrative Office of the Pennsylvania Courts and shall file two (2) certified copies the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

It Is Further Ordered that the Clerk of the Orphans’ Court shall cause a copy of the annexed Fee Schedule to be published in the *Lehigh Law Journal*.

By the Court

J. BRIAN JOHNSON,
President Judge

**SCHEDULE OF FEES
Clerk of Orphans’ Court Division, Lehigh County**

FEES CHARGED TO INITIATE A CASE In addition to the Orphans’ Court filing fee	
JUDICIAL COMPUTER FEE (JCS): This is a statutorily created surcharge imposed upon “first filings of petitions concerning Incapacitated Persons, Estates, all cases involving Minors and Inter Vivos trusts” 42 P.S. § 3733.1 Effective October 30, 2017. This surcharge is in addition to the OC filing fee, the Lehigh County E-filing fee and Automation fee.	\$40.25
LEHIGH COUNTY E-FILING FEE: This fee is imposed pursuant to 42 P.S. § 2107.2. It is in addition to the OC filing fee, JCS surcharge, if applicable, and Automation fee regarding all initial filings in OC cases.	\$5.00
AUTOMATION FEE: This fee is imposed pursuant to 42 P.S. § 2107.2. It is in addition to the OC filing fee, JCS surcharge, if applicable, and the Lehigh County E-filing fee regarding all initial filings in OC cases.	\$5.00
ADMINISTRATIVE FEE: Conversion of legal paper and/or exhibit presented for filing from paper to PDF for electronic filing. The paper copy shall be returned to the filing party for retention pursuant to Pa.O.C. Rule 4.7(c)(3).	\$1.00/page
A filing fee in an amount equal to that of the most similar pleading will be assessed regarding pleadings not specifically enumerated in the fee schedule.	

Payment is expected at the time of filing and accepted in the form of cash, money order payable to Orphans' Court, and credit/debit card (Master Card, Visa and Discover accepted) 2.9% service fee is assessed on all credit/debit payments
 Personal Checks are not accepted

ADOPTIONS—PARENTAL TERMINATIONS

Adoption Petition		\$150.00
Assisted Conception Birth Registration Petition		\$150.00
Confirmation of Consent Petition		\$150.00
Counseling Fund Fee ¹		\$75.00
Foreign Adoption Registration—IR3 Visa (no hrg.)		\$75.00
Foreign Adoption Registration—IR4 Visa (Hrg.)		\$100.00
Voluntary/Involuntary Termination of Parental Rights Petition		\$100.00
Petition for Alternate Service		\$50.00
Petition for Access to Adoption Record	Non-identifying info.	\$150.00
	Identifying Information	\$200.00
Search fee for out of County Authorized Agent		\$25.00
Post Adoption Cont. Contact Agreement Petition		\$100.00
Reprinted Adoption Certificate		\$25.00
Report of Intention to Adopt		\$50.00

ADOPTION INVESTIGATION FEES
(Court Appointed Investigator)

Adoptive Parent Only		\$350.00
Adoptive Parents and Biological Parents interviewed within Lehigh County or within fifty (50) mile radius to Lehigh County		\$450.00
Adoptive Parents and if one or both Biological Parents interviewed reside outside a fifty (50) mile radius to Lehigh County		\$500.00

FORMAL ACCOUNTS—EXCLUDING Charitable Trusts

Amended Petition for Adjudication		\$25.00
Amended Statement of Proposed Distribution		\$25.00
Insolvent Estates		\$100.00
Restated Account		\$75.00
Supplemental Account		\$50.00

Filing fee is calculated on the gross estate

Valuation of Gross Estate			Cost
1	to	500,000	\$300.00
500,001	to	1,000,000	\$500.00

For each succeeding \$500,000 or fraction thereof over \$1,000,000 add an additional \$50.00

¹ Charged in conjunction with the filing of a Report of Intention to Adopt pursuant to 23 Pa.C.S.A. § 2505(e)

FORMAL ACCOUNT OF CHARITABLE TRUSTS OR FOUNDATIONS	
CARRYING VALUE OF TRUST PRINCIPAL	
Less than \$10,000,000	\$500.00.
More than \$10,000,000 but Less than \$20,000,000	\$750.00
More than \$20,000,000	\$1,000
This schedule does not apply to charitable remainder trusts during the lifetime of non-charitable beneficiaries	

GUARDIANSHIP OF INCAPACITATED PERSON/MINOR	
Additional Petition Filed (e.g. sale of ward's realty)	\$50.00
Certified copy of Order/Guardian Certificate	\$10.00
Guardian's Inventory (Assets under \$100.00, no charge for filing)	\$25.00
Guardian's Inventory (Supplemental)	\$15.00
Petition for Appointment of Guardian of Person of a Minor	\$50.00
Petition for Determination of Incapacity (Includes 1 certified copy of final order)	\$150.00
Petition for Review Hearing	\$50.00
Will Inspection	\$25.00

SETTLEMENT PETITIONS: MINOR'S COMPROMISE/WRONGFUL DEATH-SURVIVAL/INCAP.	
Settlement Petition—Action commenced in Civil, Non Lehigh County estate or ward, no minor beneficiaries	\$20.00
Settlement Petition—Action commenced in Civil Division Minor's Compromise or Existing Lehigh Co. Decedent's Estate/Incapacity file	\$25.00
Minor's Compromise Settlement Petition—No Civil action commenced	\$50.00
Settlement Petition—No Civil Action, existing Lehigh Co. Estate or Incapacity file	\$50.00
Refiling fee (Newly filed after dismissal)	\$25.00

MISCELLANEOUS FEES (In addition to applicable filing fees listed on page 1)	
Amended Petition	\$25.00
Answer to any Petition	\$25.00
Appeal to Higher Court (from OC Order)	\$125.00 ²
Certified Copy of any pleading	\$10.00
Claim filed against Estate	\$35.00
Copies per page (include photocopies, microfiche copies, or printed copies of scanned images)	.25
Corporate Fiduciary, Power/Sureties, Current Certificate	\$25.00
Disclaimer/Renunciation	\$25.00
Exercise of Elective Share Rights	\$50.00
Exceptions	\$50.00
Exemplification of any document	\$75.00
Informal Account/Praecepte to Docket Receipt, Release and Refunding Agreement	\$100.00
Motion	\$50.00
Objections	\$50.00
Petition for issuance of Citation/Notice to Plead	\$150.00

² In addition to the stated Orphans' Court fee there are additional appellate filing fees imposed by the Commonwealth, Superior and Supreme Courts. That fee payable to the appropriate appellate court by separate check must accompany the requisite notice of appeal and OC filing fee. Counsel is urged to contact the appellate court to obtain the correct filing fee.

MISCELLANEOUS FEES (In addition to applicable filing fees listed on page 1)	
Petition/No Notice required	\$75.00
Power of Attorney	\$50.00
Returned Check Charge (must be cash or check separate from the amount of the replacement check)	\$20.00
Request for Transcript form	\$10.00
Subpoena	\$15.00
Transcript Paper Copy (Post-filing)	.75/page
Transcript Electronic Copy (Post filing)	.50/page

MARRIAGE LICENSE	
Application for Marriage License (Includes 2 certified copies of the marriage record)	\$100.00
Certified copy of Marriage Record	\$10.00
Exemplification of Marriage Record	\$75.00
Petition to Amend Marriage Record	\$50.00
Petition to Waive 3 Day Waiting Period	\$25.00
Research Fee (Genealogy, Marriage, Birth, Death)	\$25.00 (Up to 6 names, \$2.00 each additional name)
Reprinted Marriage License	\$20.00
Completion of out of state ML application	\$50.00

[Pa.B. Doc. No. 22-1509. Filed for public inspection September 30, 2022, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MIFFLIN COUNTY

Crime Victim Services and Compensation Act 77 of 2022 (CVSC) 58th Judicial District; CP-44-CV-2-2016

Amended Administrative Order

And Now, To Wit, this 21st day of September 2022, this Court pursuant to Title 18, Section 11.1101, Costs, *Orders* the following:

The Crime Victim's Compensation Fund and Victim Witness Services Fund are eliminated. The Crime Victim's Compensation Fund and Victim Witness Services Fund shall be replaced by the Crime Victim Services and Compensation Act 77 of 2022 (CVSC). This cost shall be imposed at both the Magisterial District Courts and the Common Pleas Courts of the Judicial District notwithstanding any statutory provision to the contrary.

(A) Pursuant to Title 18, Section 11.1101, a sixty dollar (\$60.00) assessment shall be paid to the CVSC.

(1) If an amount of cost ordered by the Court to be assessed and collected exceeds sixty dollars (\$60.00), the amount shall be assessed and disbursed by a new assessment, the "Variable Amount to be Distributed CVSC (Act 77)." Seventy percent (70%) of this amount shall be disbursed to the County, and the remaining thirty percent (30%) shall be disbursed to the CVSC.

The county recipient of the monthly report will deposit the county portion of the "Variable Amount to be Distributed CVSC (Act 77)" monies into a Local Victim Services Fund. The county, specifically, the county treasurer, shall be responsible to administer and disburse the money at the discretion of the county district attorney.

(B) A twenty-five dollar (\$25.00) assessment shall be paid to the CVSC-Juvenile.

(1) If an amount of cost ordered by the Court to be assessed and collected exceeds twenty-five dollars (\$25.00) but is less than or equal to sixty dollars (\$60.00), the amount shall be assessed and disbursed by a new assessment, the "Variable Amount (\$25.01—\$60.00) to be Distributed CVSC (Act 77)—Juvenile." One hundred percent (100%) of this amount shall be disbursed to the CVSC.

(2) If an amount of cost ordered by the Court to be assessed and collected exceeds sixty dollars (\$60.00), the amount shall be assessed and disbursed by a new assessment, the "Variable Amount (over \$60.00) to be distributed CVSC (Act 77)—Juvenile." Seventy percent (70%) of this amount shall be disbursed to the County, and the remaining thirty percent (30%) of this amount shall be disbursed to the CVSC.

The county recipient of the monthly report will deposit the county portion of the "Variable Amount (\$25.01—\$60.00) to be Distributed CVSC (Act 77)—Juvenile" and the "Variable Amount (over \$60.00) to be Distributed CVSC (Act 77)—Juvenile" monies into a Local Victim Services Fund. The county, specifically, the county treasurer, shall be responsible to administer and disburse the money at the discretion of the county district attorney.

It Is Further Ordered that in accordance with 201 Pa. Code Rule 103, the District Court Administrator shall:

(a) File one (1) certified copy of this Order with the Administrative Office of the Pennsylvania Courts,

(b) Distribute two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee,

(d) Supervise the distribution of this Order to all Judges and all members of the Criminal Bar of this Court.

By the Court

JUDGE DAVID W. BARRON,
President Judge

[Pa.B. Doc. No. 22-1510. Filed for public inspection September 30, 2022, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 53]

Use of Fully Projected Future Test Year, 52 Pa. Code §§ 53.51—53.56a

Public Meeting held
May 12, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Use of Fully Projected Future Test Year, 52 Pa. Code
§§ 53.51—53.56a; L-2012-2317273*

Clarified Notice of Proposed Rulemaking Order by the Commission:

The Pennsylvania Public Utility Commission (Commission) adopts this Clarified Notice of Proposed Rulemaking (NOPR) Order, including Clarified Annexes A and B to this NOPR Order,¹ and seeks comments on proposed amendments to our regulations in §§ 53.51—53.56 (relating to information furnished with the filing of rate changes).

Background

On February 14, 2012, Governor Corbett signed into law Act 11, which amended Chapters 3, 13, and 33 of the Public Utility Code (Code). Act 11, inter alia, amended Section 315(e) of the Code (relating to burden of proof) and authorized the use of a fully projected future test year (FPFTY) in public utility rate filings. Act 11 also required the Commission to adopt rules and regulations regarding the information and data to be submitted when a public utility uses a FPFTY. 66 Pa.C.S. § 315(e).

Section 315(e), as amended by Act 11, provides:

§ 315(e) Use of future test year.—In discharging its burden of proof the utility may utilize a future test year or a fully projected future test year, which shall be the 12-month period beginning with the first month that the new rates will be placed in effect after application of the full suspension period permitted under section 1308(d) (relating to voluntary changes in rates). The commission shall promptly adopt rules and regulations regarding the information and data to be submitted when and if a future test period or a fully projected future test year is to be utilized. Whenever a utility utilizes a future test year or a fully projected future test year in any rate proceeding and such future test year or a fully projected test year forms a substantive basis for the final rate determination of the commission, the utility shall provide, as specified by the commission in its final order, appropriate data evidencing the accuracy of the estimates contained in the future test year or a fully projected future test year, and the commission may after reasonable notice and hearing, in its discretion, adjust the utility's rates on the basis of such data. *Notwith-*

standing section 1315 (relating to limitation on consideration of certain costs for electric utilities), the commission may permit facilities which are projected to be in service during the fully projected future test year to be included in the rate base.

66 Pa.C.S. § 315(e) (Emphasis added to reflect Act 11 amendments).

On December 22, 2017, the Commission entered an Advance Notice of Proposed Rulemaking Order (ANOPR Order) at this docket, which was published in the *Pennsylvania Bulletin* on January 13, 2018, 48 Pa.B. 276. In the ANOPR Order, we invited stakeholder comments and directed Commission staff to convene stakeholder meetings on the information to be filed by a public utility when the public utility is requesting a general rate increase of more than \$1 million using a FPFTY. Stakeholders subsequently requested that the Commission move directly to stakeholder meetings in lieu of comments. By Secretarial Letters dated February 26, 2018,² August 22, 2018,³ and October 29, 2018, at this docket, we convened numerous stakeholder meetings in 2018 and 2019. The last meeting was held on October 30, 2019.

In addition to the public notice provided in the *Pennsylvania Bulletin*, invitations to participate in a stakeholder process were extended to the Commission's Office of Administrative Law Judge (OALJ), the Commission's Bureau of Investigation and Enforcement (I&E), the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the Pennsylvania Utility Law Project (PULP), the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (TURN et al.), Industrial Energy Consumers of Pennsylvania (IECPA), the National Association of Water Companies—Pennsylvania Chapter (NAWC-PA Chapter), Aqua Pennsylvania, Pennsylvania American Water Company, Pittsburgh Water and Sewer Authority, the Energy Association of Pennsylvania, Citizens' Electric Company, Duquesne Light Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, Pike County Light & Power Company, PPL Electric Utilities, UGI Utilities, Inc., Wellsboro Electric Company, West Penn Power Company, Columbia Gas of Pennsylvania, Inc., Leatherstocking Gas Company LLC, National Fuel Gas Distribution Corp., PECO Energy Company, Peoples Natural Gas Company LLC, Peoples Gas Company (formerly Peoples TWP), Philadelphia Gas Works, Pike County Light & Power Company, and Valley Energy Inc.

Ratemaking Principles and Act 11

A. General Ratemaking Principles

The Code gives the Commission broad authority and responsibility to ensure that the rates charged by public utilities are just and reasonable and not unduly discriminatory. 66 Pa.C.S. §§ 1301, 1304 (relating to rates to be just and reasonable; and discrimination in rates). Pursuant to this just and reasonable standard, a public utility may obtain "a rate that allows it to recover those expenses that are reasonably necessary to provide service

¹ The clarifications to this Clarified NOPR Order and Clarified Annexes were adopted by the Commission in the Order entered on May 12, 2022, at this docket. See Use of Fully Projected Future Test Year, sections 53.51—53.56a, Docket No. L-2012-2317273 (Order Clarifying Notice of Proposed Rulemaking Order entered on May 12, 2022) (May 12, 2022 Order). For purposes of the rulemaking, this Clarified NOPR Order and Clarified Annexes A and B will be published in the *Pennsylvania Bulletin*.

² Published in the *Pennsylvania Bulletin* on March 10, 2018, 48 Pa.B. 1422.

³ Published in the *Pennsylvania Bulletin* on September 1, 2018, 48 Pa.B. 5501.

to its customers[,] as well as a reasonable rate of return on its investment.” *City of Lancaster (Sewer Fund) v. Pa. PUC*, 793 A.2d 978, 982 (Pa. Cmwlth. 2002). There is no single way to arrive at just and reasonable rates. “The [Commission] has broad discretion in determining whether rates are reasonable” and “is vested with discretion to decide what factors it will consider in setting or evaluating a utility’s rates.” *Popowsky v. Pa. PUC*, 683 A.2d 958, 961 (Pa. Cmwlth. 1996) (*Popowsky*).

The Commission is required to investigate all general rate increase filings. *Popowsky*, 683 A.2d at 961. For general rate increases, Section 1308(d) provides the procedures for changing rates, the time limitations for the suspension of the new rates, and the time limitations on the Commission’s actions. 66 Pa.C.S. § 1308(d).

The “polestar” of ratemaking concerns is the public utility’s “cost of providing service.” *Pa. PUC, et al. v. Columbia Gas of Pennsylvania, Inc.*, Docket No. R-2020-3018835, et al. (Order entered February 19, 2021) (*Columbia Order*) at 46, n.17 (citing *Lloyd v. Pa. PUC*, 904 A.2d 1010, 1019-21 (Pa. Cmwlth. 2006) (*Lloyd*)). Inherent in the “cost of providing service” principle of ratemaking is the recognition that public utilities are natural monopolies and that the Commission’s oversight through cost-of-service ratemaking regulation serves as a proxy for a competitive market in appropriately restraining, or exerting downward pressure on, the profit-maximizing prices a monopoly could otherwise charge in the absence of price regulation. *Columbia Order* at 46, n.17. Other important ratemaking concerns include quality of service,⁴ rate gradualism,⁵ and rate affordability.⁶ *Columbia Order* at 46-47.

The burden of proving the justness and reasonableness of a rate is placed on the public utility. 66 Pa.C.S. § 315(a). The evidence necessary to meet this burden of proof must be substantial. *Lower Frederick Twp. Water Co. v. Pa. PUC*, 409 A.2d 505, 507 (Pa. Cmwlth. 1980).

In discharging its burden of proof in general rate increases, a public utility traditionally submits an overall claim of its cost of service, or total revenue requirement, which is established through the following two main components in a test year: (1) the allowed total expense claim, plus (2) the allowed return on investment. *Columbia Order* at 47. The allowed total expense claim typically includes the public utility’s operating expenses, depreciation expense, and taxes that are found to be prudent, reasonably necessary, and fully substantiated. *Columbia Order* at 47 (citing *Pa. PUC, et al. v. UGI Utilities, Inc.—Electric Division*, Docket Nos. R-2017-2640058, et al. (Order entered October 2, 2018) (*UGI Electric*) at 26, *aff’d McCloskey*, 225 A.3d 192 (Pa. Cmwlth. 2020) (*McCloskey*)). The allowed return on investment is typically determined by multiplying the public utility’s allowed

rate base claim by the fair rate of return.⁷ The allowed rate base claim is typically found to be the net plant (gross plant less accumulated depreciation) plus any other capital items reasonably necessary to provide utility service funded with investor capital, as fully substantiated in the test year. *Columbia Order* at 47 (citing *UGI Electric* at 26). Meanwhile, the fair rate of return is typically calculated based on the public utility’s capital structure and the cost of capital⁸ during the period in issue. *Columbia Order* at 48.

Once the revenue requirement or cost of service is determined, the next steps traditionally are to allocate these costs to customer classes and then design the specific rates. In general rate increases of more than \$1 million, a public utility traditionally submits an allocated class cost of service study for the test year, showing the allocation of the overall cost of service to each customer class based on certain allocation method(s). The public utility traditionally submits other supporting evidence relating to the development of specific rate schedules under each customer class. See *Columbia Order* at 186 (citing *Lloyd*, 904 A.2d at 1015; 66 Pa.C.S. §§ 1301, 1304).

B. The Test Year Concept

A test year is a ratemaking concept used in general rate increase filings. A test year is a snapshot of time that reflects assumptions, conditions, revenues, expenses, and capital costs, as delineated by the public utility in discharging its burden of proof. *McCloskey*, 225 A.3d at 196. The Commission is authorized to permit a public utility to elect the type of test year it opts to use in discharging its burden of proving the reasonableness of a rate. 66 Pa.C.S. §§ 315(a), (e).

Historically, a public utility has been permitted to use a historic test year (HTY) or a future test year (FTY). A HTY is what its name suggests—a view of the public utility’s historical financial and operational information. The HTY uses a public utility’s actual financial results experienced in a recent twelve-consecutive month period ending prior to the filing of the rate case. See *McCloskey*, 225 A.3d at 196. When presenting the HTY, the public utility is expected to prepare and present the public utility’s most recent experienced financial data.

Statutory authority to use a FTY was added when the General Assembly amended Section 312 of the former Public Utility Law by Act of October 7, 1976, P.L. 1057, No. 215.⁹ A FTY is a partially forward-looking depiction of a public utility’s operations using a hybrid of actual and estimated results. The FTY is the twelve-consecutive month period starting the day after the end of the HTY. It includes the filing date of the proposed rates and ends before the proposed rates would go into effect. See *McCloskey*, 225 A.3d at 196. The purpose of permitting

⁴ See 66 Pa.C.S. § 523(a)-(b) (Commission shall consider the efficiency, effectiveness and adequacy of service when determining just and reasonable rates and shall give effect to this section by making such adjustments to specific components of the utility’s claimed cost of service as it may determine to be proper and appropriate); see also 66 Pa.C.S. § 526(a) (Commission given authority to reject, in whole or in part, a public utility’s rate increase request upon finding that service rendered is inadequate in that it fails to meet quantity or quality for the type of service provided).

⁵ See *Lloyd*, 904 A.2d at 1020 (explaining that gradualism is the principle under which utility rates are gradually increased to avoid rate shock, as part of what is overall considered a reasonable rate under the circumstances and is permitted in implementing large rate increases).

⁶ See *Pa. PUC et al. v. Twin Lakes Utilities, Inc.*, Docket No. R-2019-3010958 (Order entered March 26, 2020) at 48, 80 (the ALJ did not err in considering evidence relating to the various quality of service and rate affordability issues in the proceeding and factoring in such evidence as part of her overall determination on which expert witnesses’ cost of equity to adopt for setting just and reasonable rates).

⁷ A public utility is entitled to an opportunity to earn a fair rate of return on the value of the property dedicated to public service. *Pennsylvania Gas and Water Co. v. Pa. PUC*, 341 A.2d 239, 251 (Pa. Cmwlth. 1975) (citations omitted). It is well-established that a fair rate of return allows the utility the opportunity to recover those costs prudently incurred by all classes of capital used to finance the rate base during the prospective period in which its rates will be in effect. See *Bluefield Water Works and Improvement Co. v. Public Service Comm’n of West Virginia*, 262 U.S. 679, 692-93 (1923) (*Bluefield*); see also *Federal Power Commission v. Hope Natural Gas Co.*, 320 U.S. 591, 603 (1944) (*Hope Natural Gas*). Further, “[w]hen determining the cost of capital, the [Commission] must ‘give consideration to the [utilities’] financial structure, credit standing, dividends, interests, risks, regulatory lag, wasting assets and any peculiar features of the utility involved.’” *West Penn Power v. Pa. PUC*, 607 A.2d 1132, 1135 (Pa. Cmwlth. 1992) (*West Penn*).

⁸ The Commission is granted wide discretion, because of its administrative expertise, in determining the cost of capital. *Equitable Gas Co. v. Pa. PUC*, 405 A.2d 1055, 1059 (Pa. Cmwlth. 1979) (determination of cost of capital is basically a matter of judgment which should be left to the regulatory agency and not disturbed absent an abuse of discretion).

⁹ The former Public Utility Law was repealed by Act of July 1, 1978, P.L. 598, No. 116, and replaced with Section 315 of the Public Utility Code, 66 Pa.C.S. 315. See *Zucker v. Pa. PUC*, 401 A.2d 1377, n. 2 (Pa. Cmwlth. Ct. 1979).

the use of a FTY in rate proceedings was to reduce the regulatory lag¹⁰ between the HTY and the completion of a rate case. See *Pa. PUC, et al. v. Pennsylvania Electric Company*, Docket Nos. R-00000392, et al., 1978 WL 51034 (Pa.P.U.C) at *1 (Order entered June 28, 1978), slip at 2.¹¹

C. Act 11

Act 11 authorized the use of a FPFTY as an alternate to use of a HTY or a FTY. See *McCloskey* at 196-197, 200. A FPFTY uses the public utility's fully estimated data for the twelve-month period beginning with the first month that the new rates would be placed in effect, after the expiration of the full suspension period allowed by Section 1308(d). *UGI Electric* at 25. The goal of Act 11, in authorizing the use of a FPFTY, among other things, was to further reduce regulatory lag and encourage future plant investment to replace aging public utility infrastructure. See Implementation of Act 11 of 2012, Final Implementation Order, Docket No. M-2012-2293611, 299, P.U.R. 4th 367, 2012 WL 3249678 (Pa.P.U.C.) (Order entered August 2, 2012) at 5 (*Act 11 Implementation Order*). Under the FPFTY approach, "the risks associated with regulatory lag will be substantially reduced because the new rates will be consistent with the test year used to establish those rates for at least the first year." *Id.*

In addition to authorizing the use of the FPFTY, discussed supra, Act 11 also authorized the Commission to allow the inclusion in a public utility's rate base claim new plant projected to be placed in service during the FPFTY. See *McCloskey* at 207. Prior to Act 11, a public utility's allowed rate base claim in the FTY proceeding could only include plant or facilities found to be "used and useful" and "in service to the public" at the time the rate base was being calculated. See *McCloskey*, 225 A.3d at 196 (citing 66 Pa.C.S. § 1315).¹² Act 11 altered the "used and useful" principle by allowing a public utility to include in its rate base those "facilities which are projected to be in service during the [FPFTY] [n]otwithstanding [S]ection 1315." See 66 Pa.C.S. § 315(e) (emphasis added); see *McCloskey* at 200, 207. Thus, subject to the Commission's broad ratemaking discretion and fact-finding authority, a public utility may include in its rate base those fully substantiated "costs of facilities that are not yet in service, but that are projected to be in service during the 12-month period beginning with the first month the new rates will be in effect. This 12-month period includes day 1, as well as day 365." See *McCloskey* at 207 (emphasis in the original).

Act 11 also addressed the potential of a public utility to over-project its estimates in the FPFTY. Specifically, as amended, Section 315(e) authorizes the Commission to require a public utility to provide the Commission with "appropriate data evidencing the accuracy of the esti-

¹⁰ Regulatory lag is that period between when a utility experiences a change in costs or sales levels [or both] and when the utility can reflect these changes in new rates granted by the Commission. See Costello, Ken, Future Test Year: Evidence from State Utility Commissions, National Regulatory Review Institute, NRRI Report 13-10 (October 2013) at 8, n. 24, <https://pubs.naruc.org/pub/FA86C105-05F5-9766-BC78-29829AC50361>, last viewed May 18, 2021. Nevertheless, the use of a FTY in setting rates still creates regulatory lag because by the time the new rates go into effect, they are based in part on historical cost and sales information.

¹¹ The proceeding is also referred to as Pa. PUC Docket No. R.I.D. 392.

¹² Section 1315 (relating to limitation on consideration of certain costs for electric utilities) provides:

Except for such nonrevenue producing, nonexpense reducing investments as may be reasonably shown to be necessary to improve environmental conditions at existing facilities or improve safety at existing facilities or as may be required to convert facilities to the utilization of coal, the cost of construction or expansion of a facility undertaken by a public utility producing, generating, transmitting, distributing or furnishing electricity shall not be made a part of the rate base nor otherwise included in the rates charged by the electric utility until such time as the facility is used and useful in service to the public. Except as stated in this section, no electric utility property shall be deemed used and useful until it is presently providing actual utility service to the customers.
66 Pa.C.S. § 1315.

mates" used to calculate its cost of service components in a FTY or a FPFTY and to adjust a public utility's rates based on such data after reasonable notice and a hearing. 66 Pa.C.S. § 315(e).¹³

Discussion

Based on the foregoing, we open this rulemaking to standardize and streamline the filing requirements for information and data related to various ratemaking components for a public utility in a base rate case proceeding. We seek comments on proposed amendments to our Regulations in §§ 53.51—53.56, including the proposed addition of Section 53.51a (relating to definitions) and Section 53.56a (relating to supporting data required if using a FPFTY). Our goal is to develop consistency in filing requirements across public utility types, incorporate the appropriate standard discovery requests, and eliminate the filing of unnecessary information.

A. Purpose and Benefits of the Proposed Regulation

Public utilities have been able to use a FPFTY since Act 11 became effective, and we anticipate that natural gas, electric, steam, water and wastewater public utilities will continue to use a FPFTY to meet their burden of proof in general rate increase cases.¹⁴ As the use of a FPFTY continues or increases in general rate increases of more than \$1 million in annual gross revenues, all affected stakeholders would benefit from the changes proposed in this rulemaking.

Affected stakeholders include the public utilities and public utility consumers, consumer advocates, and other interested intervenors. These stakeholders would benefit from this proposed rulemaking because the proposed regulations would standardize and streamline the required filing information and data related to various ratemaking components of a public utility's rates as based on the public utility's claimed cost of service and proposed cost allocations to customer classes. For public utilities, the new standardized and streamlined filing requirements are expected to reduce the regulatory burden and costs associated with preparing and litigating general rate increase cases. For other stakeholders, these standardized and streamlined filing requirements are expected to lessen the regulatory burden and costs associated with reviewing and litigating general rate increase cases brought by public utilities.

B. ANOPR Order Stakeholder Process

The ANOPR Order stakeholder process began with an attempt to simply incorporate new filing requirements for a FPFTY rate case into Section 53.53 by adding a proposed Exhibit E. It soon became apparent that aligning the use of a FPFTY with our existing filing requirements at Sections 53.51—53.56 would require more than merely adding an exhibit dedicated to FPFTY rate cases in Section 53.53.

The ANOPR Order stakeholder process involved a series of meetings and multiple exchanges of written

¹³ See Act 11 Implementation Order at 3 (stating that the Commission "expect[s] that in subsequent base rate cases," a public utility using a FPFTY would "be prepared to address the accuracy of the [FPFTY] projections made in its prior base rate case.")

¹⁴ In 1993, the General Assembly passed Act 1993-67 which amended the Pennsylvania Public Utility Code by adding Chapter 30, 66 Pa.C.S. §§ 3001—3009. Chapter 30 provided that the Commission may allow incumbent local exchange carriers (ILECs) to establish rates by the use of alternative forms of regulation in exchange for the accelerated deployment of a broadband capable telecommunications infrastructure. As a result, many of the Chapter 30 ILECs chose to remove themselves from earning based on traditional rate base/rate-of-return methods by filing voluntary plans that committed them to accelerate broadband deployment throughout their respective service territories. A few of the Chapter 30 ILECs are under a streamlined rate base and rate of return regulation, and there are a small number of ILECs that have a Chapter 30 waiver and continue to remain under traditional rate base/rate of return regulation.

suggestions by participating stakeholders over a two-year period in 2018 and 2019. This included extensive discussions of various procedural and substantive issues relating to the FPFTY filing requirements as well as discussions of existing HTY and FTY obligations. It also drew heavily upon the experiences of public utilities and other stakeholders who had participated in FPFTY rate proceedings at the Commission since 2012.

C. Proposed Revisions to Regulations

We propose revisions to Sections 53.51 through 53.56 and the addition of Sections 53.51a and 53.56a, governing the information to be furnished with rate change filings. Most of the proposed revisions and additions relate to the use of a FPFTY, but there are also proposed revisions and additions that relate to the use of a HTY and FTY.

1. Section 53.51. General

a. Existing Provisions

Section 53.51 governs general requirements applicable to public utilities other than common carriers.

b. Proposed Revisions to Existing Provisions

We propose to add Section 53.51(a.1) to clarify the applicability of §§ 53.51—53.56a to the following jurisdictional entities:

- A public utility, as such term is defined in 66 Pa.C.S. § 102 (relating to definitions).
- A city natural gas distribution operation, as such term is defined in 66 Pa.C.S. § 102 and used in 66 Pa.C.S. § 2212 (relating to city natural gas distribution operations).
- An Authority, as such term is defined in 66 Pa.C.S. § 3201 (relating to definitions) and used in the provisions of 66 Pa.C.S. §§ 3202—3209 (relating to water and sewer authorities in cities of the second class).
- A municipal corporation that renders service beyond its corporate limits but only to the extent of its services and facilities furnished or extended beyond its corporate limits, consistent with the jurisdiction given to the Commission under 66 Pa.C.S. § 1501 (relating to character of service and facilities).

In Section 53.51(b), we propose to update the term “utilities” to “public utilities.” This change is a proposed universal change throughout the regulations and includes changing the singular term “utility” to “public utility” where applicable.

In Section 53.51(c), we propose to delete “however, the submission of data regarding trended original cost referred to by this chapter shall be at the option of the public utility” because trended original cost methodology is no longer accepted.

Section 53.51(d) provides that public utilities filing for proposed rate changes shall serve a copy of the proposed rate changes and supporting data on the OCA. We propose to revise this provision to direct service also on the OSBA, the low-income advocates in the public utility’s service territory, the Commission’s I&E, and the Commission’s Bureau of Technical Utility Services (TUS).

2. Proposed New Section 53.51a. Definitions

We propose to add a new Section 53.51a containing definitions for “test year,” “HTY,” “FTY” and “FPFTY.” In review of the existing regulations at Sections 53.51—53.56, we observed that these terms are not defined in a central location but rather described as they are used. For example, Section 53.52, rather than asking for the

operating statement for the public utility in the HTY, asks for the operating statement for “a 12-month period, the end of which may not be more than 120 days prior to the filing.” We propose to replace all incidents of this repetitive descriptive language with appropriate test year terminology. Also, we recognized that “HTY” and “FTY” are defined only within Section 53.53(b) for application in Exhibit D, which provides:

Also, the term “historic test year” as used in these exhibits, refers to the test year chosen by the utility to support its filing, that is, presumably future test year data would be supplied in most cases. “Historic test year,” as referred to in Exhibit D, is defined as book figures for the base test year. The term “future test year,” as used in Exhibit D, refers to the adjusted historic test year for known and measurable changes 12 months beyond the book figures for the base year, or the public utility’s final claimed supporting data.

Section 53.53(b) (last amended effective May 21, 2005, see 35 Pa.B. 3024 (May 21 2005)). We propose deleting this provision and consolidating the proposed new definitions in the proposed new Section 53.51a (relating to definitions).

In the new Section 53.51a, we propose adding the following definitions for “FPFTY,” “FTY,” “HTY” and “test year” (appearing in alphabetical order as shown in the proposed new Section 53.51a.), as follows:

FPFTY—Fully projected future test year—A 12-consecutive-month period beginning with the first full month that the new rates will be in effect after the application of the full suspension period permitted under § 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308 (relating to voluntary changes in rates) and reflecting estimated results of operations of the public utility.

FTY—Future test year—A 12-consecutive-month period beginning the day after the end of the HTY and reflecting in part estimated results of operations of the public utility based on adjustments to HTY amounts for known and measurable changes or other adjustments as supported by data.

HTY—Historic test year—The experienced 12-consecutive-month period that reflects actual results of operations of a public utility based on book values, corresponding to one of the following time frames:

- (1) For a small water or small wastewater public utility, the experienced 12-consecutive-month period ending no later than 180 days prior to the rate filing.
- (2) For a public utility not subject to (1) above, either of the following:

(A) The public utility’s most recent experienced 12-consecutive-month fiscal period ending prior to the rate filing.

(B) The experienced 12-consecutive-month period ending no later than 120 days prior to the rate filing.

Test year—12-consecutive-month period used by the utility in discharging its burden of proof under 66 Pa.C.S. § 315(a) (relating to burden of proof), including the HTY, the FTY and the FPFTY.

The proposed definition for “FPFTY” tracks the statutory provisions in 66 Pa.C.S. §§ 315(e) and 2212(c) while clarifying that a FPFTY would reflect a public utility’s estimated results of operations. The proposed definition does not expand or contract the meaning of “FPFTY” as established by Sections 315(e) or 2212(c). We fully recognize that a city natural gas distribution operation may

file to request a waiver relative to the start of a FPFTY granted pursuant to 66 Pa.C.S. § 2212(c). See *Pa. PUC, et al. v. PGW*, Docket No. R-2020-3017206, et al. (Order entered on November 19, 2020) at 6. A similar option for waiver is available under 66 Pa.C.S. § 3202(b) (relating to application of provisions of title) for an authority as such term is defined in 66 Pa.C.S. § 3201 and used in the provisions of 66 Pa.C.S. §§ 3202—3209.

Section 53.53(b) currently describes the FTY, “as used in Exhibit D, [as] refer[ing] to the adjusted historic test year for known and measurable changes 12 months beyond the book figures for the base year, or the utility’s final claimed supporting data.” The proposed definition for “FTY” is the 12-consecutive-month period beginning the day after the end of the HTY and reflecting in part the public utility’s estimated results of operations based on adjustments to HTY amounts for known and measurable changes or other adjustments as supported by data. This is consistent with how the term is used under the existing regulations.

We propose to define “HTY” as the 12-consecutive-month period that reflects actual results of operations of the public utility based on book values. Consistent with the detail in Section 53.52, we propose that the dates for the HTY may correspond to: (1) for a small water or a small wastewater public utility, the experienced 12-consecutive-month period, the end of which may not be more than 180 days prior to the filing, and (2) for public utilities not covered by (1), (A) the public utility’s most recent experienced 12-consecutive-month fiscal period or (B) the experienced 12-consecutive-month period, the end of which may not be more than 120 days prior to the filing of the rate change. Further, the proposed definition is consistent with waivers granted by the Commission relative to the start of a HTY. See, e.g., Request of Citizens’ Electric, et al., Docket Nos. R-2019-3008212, et al. (Sec. Letter issued March 25, 2019).

We propose to define “test year” as the 12-consecutive-month period used by the public utility in discharging its burden of proof under 66 Pa.C.S. § 315(a), regardless of whether the public utility predicates its proposed rates on a HTY, a FTY or a FPFTY.

We also propose consolidating into Section 53.51a definitions for “Artificial gas,” “EMOF—Emergency maintenance and operation fund,” “Reserve account,” “Small wastewater public utility,” and “Small water public utility.” Further, we propose a definition for “artificial gas.”

3. Section 53.52. Applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies

a. Existing Provisions

Section 53.52 governs the information to be provided by a public utility, other than a canal, turnpike, tunnel, bridge or wharf company, when it files a tariff, revision or supplement either (1) effecting changes in the terms and conditions of service; or (2) increasing or decreasing bills to its customers. With respect to bill increases or decreases, Section 53.52 requires the public utility to provide information and data using the public utility’s HTY.

b. Proposed Revisions to Existing Provisions

In Section 53.52(a) and (b), we propose housekeeping updates to clarify language and remove redundant language.

Section 53.52(a)(7) uses the term “subsection” to refer to itself, and Section 53.52(a)(8) uses the term “paragraph” to refer to itself. As a housekeeping update in this section, we propose to use the term “paragraph” for both internal references.

In Section 53.52(b) and (c), we propose to replace descriptive language of the HTY with the actual defined term “HTY,” where applicable.

In Section 53.52(d), we propose a housekeeping revision to clarify that the reference to (c)(2) is to Section 53.52(c)(2).

4. Section 53.53. Information to be furnished with proposed general rate increase filings in excess of \$1 million

a. Existing Provisions

Section 53.53¹⁵ governs the information and data to be provided by a public utility, other than a canal, turnpike, tunnel, bridge or wharf company, when it files a general rate increase under 66 Pa.C.S. § 1308(d) in excess of \$1 million in gross annual revenues. There are four exhibits, Exhibits A, B, C, and D, containing sets of filing requirements according to the utility type indicated and seeking information and data for the public utility’s HTY and FTY. In relevant part,¹⁶ Exhibit A to that section addresses the information and data to be provided by public utilities other than telecommunications, electric, water, and wastewater public utilities. Effectively, Exhibit A applies to public utilities providing natural gas, artificial gas and steam heat.¹⁷ Exhibit C addresses electric public utilities. Exhibit D addresses water and wastewater public utilities.¹⁸ These three exhibits provide the initial filing requirements and framework for the provision of information and data in support of a public utility’s general rate increase request in the HTY and FTY. Section 53.53 also requires the public utility to file direct testimony in support of the public utility’s positions.

b. Proposed Revisions to Existing Provisions

In Section 53.53(a), we propose adding language directing public utilities to provide the filing information in the Exhibit according to their utility type. A new Section 53.53(a)(5) is added to refer to the new Exhibit E being proposed, which is discussed further as follows.

As noted previously, in Section 53.53(b) we propose deleting the language identified previously relating to the terms “HTY” and “FTY,” since the need for the language would be replaced by the definitions in the new Section 53.51a.

¹⁵ The provisions of Section 53.53 were adopted September 2, 1977, 7 Pa.B. 2527; amended through March 29, 1985, effective for rate increase requests filed on and after July 1, 1985. Those public utilities meeting the filing requirements in the new regulations were permitted, upon request, to file under the new regulations at an earlier date, 15 Pa.B. 1178; amended October 23, 1987, effective November 23, 1987, 17 Pa.B. 4221; corrected May 13, 1994, effective December 3, 1983, 24 Pa.B. 2533; amended May 20, 2005, effective May 21, 2005, 35 Pa.B. 3024.

¹⁶ Exhibit B is not at issue as it refers to telecommunications utilities, which are not affected by Act 11. Among other things, 66 Pa.C.S. §§ 3011—3019, Chapter 30 (2004), instituted alternative rate setting processes for incumbent local exchange carriers (ILECs) that allowed them to move away from traditional rate base/rate-of-return regulation. Similarly, competitive local exchange carriers (CLECs) are currently not regulated on a rate base/rate-of-return basis. Also, to a degree, Section 53.59 (relating to cost support requirements and effective filing dates for tariff filings of noncompetitive services) has replaced Section 53.53 Exhibit B. Section 53.59 governs the filing requirements and information that needs to be filed for a rate increase for both ILECs and CLECs. See 30 Pa.B. 6202. Further, Section 53.59 and other telecommunications sections in Title 52 of the *Pennsylvania Code* are now under review in the Commission’s pending rulemaking at Docket No. L-2018-3001391 regarding Chapters 53, 63 and 64. Parties are invited to comment on whether, inter alia, to withdraw Exhibit B entirely as part of this rulemaking, to defer that consideration to Docket No. L-2018-3001391, to amend Exhibit B, or to leave Exhibit B as it is.

¹⁷ We note an anomaly regarding the existing Exhibit A, which is proposed for deletion. While Exhibit A is applicable to utilities “except communications, electric, water and wastewater utilities,” it contains the following section pertaining to telephone utilities with filing requirements appearing thereunder. (The filing requirements themselves are not reproduced below):

B. TELEPHONE UTILITIES ONLY, IN ADDITION TO PROVIDING THE INFORMATION REQUESTED IN “A.” HEREINABOVE, PROVIDE THE FOLLOWING ADDITIONAL INFORMATION IF YOU PROCURE MATERIALS, SUPPLIES, OR SERVICES FROM A MANUFACTURING SUBSIDIARY

¹⁸ As noted above, Exhibit B is not at issue as it refers to telecommunications utilities, which are not affected by Act 11.

In Section 53.53(c), we propose to delete the existing language and replace it with more succinct and clear language relating to the filing of direct testimony.

Under the Commission's existing regulations, when a public utility elects to use a FTY in discharging its burden of proof, the public utility is also required to provide actual data for the experienced HTY. See 52 Pa. Code §§ 53.52, 53.53, 53.56. When a public utility uses a FTY, the HTY serves as a base year or baseline to connect a public utility's experienced results with its future estimates in the FTY. In the absence of this historical information and data, the ability to evaluate the validity of a public utility's forecasts or estimates is constrained. Thus, as part of the existing standard filing requirements in rate cases, Sections 53.52, 53.53 and 53.56 require a public utility to provide information and data for the HTY as well as for the FTY. Based on the foregoing, we take the same approach for the FPFTY. We propose that a public utility electing to use a FPFTY be required to provide experienced data for the HTY and the FTY as well as its estimated data for the FTY. The provision of this historical data in the HTY and FTY as well as the intervening estimated data for the FTY will enable a thorough evaluation by the Commission of the validity of a public utility's forecasts for the FPFTY.

Accordingly, under our proposed approach of eliminating Exhibits A, C, and D, as discussed below, the new Section 53.53(a.1) would direct public utilities using the proposed new Exhibit E, in all cases, to provide the information requested for the HTY and any years prior to the HTY. It further would direct that if the public utility uses a FTY in discharging its burden of proof, it must provide the data requested in Exhibit E for the FTY but not for the FPFTY. It would further clarify that if the public utility uses a FPFTY, it would have to provide the data requested in Exhibit E for the FTY and the FPFTY and any years following the FPFTY. We expect that the HTY and FTY data and information would be provided in proximity and association with the data and support provided for the FPFTY. Section 53.53(a.1) would clarify that if a public utility elects to use a FTY and a question in Exhibit E requests information for the year(s) immediately following the FPFTY, then the public utility would be required to provide the information for the years immediately following the FTY (instead of the FPFTY). We invite comments on this approach.

c. Exhibits A, B, C, and D

We note that the ANOPR Order did not contemplate changes to Exhibit A, B, C, or D, except for a housekeeping change proposed to Exhibit D.¹⁹ We considered preserving the requirements of Exhibits A, B, C, and D for rate cases in which a utility, in discharging its burden of proof, uses a HTY or a FTY and does not use a FPFTY. We also considered adapting the existing Exhibits A, C, and D to add FPFTY provisions to them. We note, however, that there is little consistency among Exhibits A, C, and D regarding what the exhibits require. Further, we have learned, at least anecdotally, that depending on the industry generally and on the public utility particularly, some public utilities voluntarily include significantly more information with their rate case filings than others, thereby significantly reducing the need for discovery, saving both time and money for all parties concerned.

¹⁹ Specifically, in Exhibit D—§ 5.423 is referenced in Section VII.25. Section 5.423 has, however, been replaced by § 5.365 (relating to orders to limit availability of proprietary information), effective September 21, 2013, 43 Pa.B. 5593. If Exhibit D is retained, we would continue to propose to update that cross reference.

To update all provisions in Exhibits A, B, C, and D would in essence require a near-complete re-writing of each of them.

We now propose to eliminate Exhibits A, C, and D,²⁰ and replace them solely with the proposed new Exhibit E, attached to this Clarified NOPR as Clarified Annex B. As discussed further below, we currently view the proposed new Exhibit E as an overall improvement upon the existing data requirements in Exhibits A, C, and D by standardizing, streamlining, and supplementing those requirements.

Finally, we are not currently proposing to eliminate or amend Exhibit B because the stakeholder process did not have participation by telecommunications stakeholders. However, Section 53.59 (relating to cost support requirements and effective filing dates for tariff filings of noncompetitive services) has in large measure replaced Section 53.53 Exhibit B for telecommunications public utilities that use alternate rate making. Section 53.59 governs the filing requirements and information that needs to be filed for a rate increase for both Incumbent Local Exchange Carriers (ILECs) and Competitive Local Exchange Carriers (CLECs). See 30 Pa.B. 6202. Further, Section 53.59 and other telecommunications sections in Title 52 of the *Pennsylvania Code* are now under review in the Commission's pending rulemaking at Docket No. L-2018-3001391 regarding Chapters 53, 63 and 64. Parties are invited to comment in this proceeding on whether, inter alia, to withdraw Exhibit B entirely as part of this rulemaking, to leave Exhibit B as it is, or to incorporate provisions for telecommunications public utilities into the proposed Exhibit E. (*Editor's Note: The then-pending rulemaking at Docket No. L-2018-3001391 was published at 52 Pa.B. 5049 (August 13, 2022) as final.*)

d. Proposed New Exhibit E

Attached as Clarified Annex B to this Clarified NOPR, we propose a new Exhibit E—Filing requirements for public utilities seeking a general rate increase above \$1 million in annual gross revenues to Section 53.53. The proposed Exhibit E would require a public utility to furnish certain information and data addressing rate base, rate of return, financial statements, operating revenues, operating expenses, depreciation expense, interest expense, taxes, and employee costs, pension and other benefits expense, rate structure, cost of service allocation, and the public utility's Commission-approved Long-Term Infrastructure Improvement Plan (LTIIP) and Annual Asset Optimization Plan (AAO Plan).²¹

The proposed Exhibit E applies to natural gas, artificial gas, electricity, steam, water and wastewater public utility types, as well as stormwater provided by water and sewer authorities in cities of the second class, and includes both (1) general filing requirements, applying

²⁰ Due to their large sizes, the existing Exhibits A, C, and D currently in § 53.53 are not printed in full in the Clarified Annex A to this Clarified NOPR Order as a proposed deletion and also are not being published in full as a proposed deletion in the *Pennsylvania Bulletin*.

²¹ While implementation issues related to a public utility's distribution system improvement charge (DSIC), as authorized under Act 11, have been addressed in other Commission-docketed proceedings, the proposed Exhibit E requires a public utility to furnish relevant documentation relating to its LTIIP and AAO Plans. See 66 Pa.C.S. §§ 1352-1360; see also Act 11 Implementation Order; see also Review of LTIIP, Docket No. 2012-2317274 (Order entered May 23, 2014) (establishing regulations in §§ 121.1—121.8 relating to LTIIPs).

equally to these utility types, and (2) industry-specific filing requirements, applicable to a particular public utility type as indicated.²²

In drafting the proposed Exhibit E, we attempted to streamline, update, standardize and supplement the filing requirements across the various public utility types using Exhibits A, C, and D to formulate the structure of the proposed new Exhibit E. To that, we note that there are several points of divergence between the data and supporting information required by the existing Exhibits A, C, and D for the various public utility types. Some of these differences are preserved in the proposed Exhibit E as industry-specific information filing requirements while others are standardized as general filing requirements. We also incorporated many of the items commonly sought through discovery by interested parties in voluntary rate filings.

Accordingly, in the proposed Exhibit E, Subsections E.III.A.—E.III.N. provide common filing requirements for the electricity, natural and artificial gas, steam, water, wastewater and stormwater public utility industries. Subsections E.IV.A.—E.IV.D. provide further filing requirements specific to public utility industries, specifically water, wastewater, stormwater, natural gas, artificial gas and steam heat public utilities.

Below is an overview of the proposed new Exhibit E:

Exhibit E—Filing requirements for public utilities seeking a general rate increase above \$1 million in annual gross revenues.

Subsection E.I. Applicability.

Subsection E.II. Definitions.

Subsection E.III. General filing requirements that delineate the following:

- A. General
- B. Summary of Filing
- C. Description of Public Utility Operations
- D. Rate Base
- E. Rate of Return
- F. Balance Sheet
- G. Income Statement and Cash Flow Statement
- H. Operating Revenue
- I. Operating Expenses
- J. Employee Costs, including Related Costs such as Benefits and Retiree Costs
- K. Depreciation
- L. Taxes
- M. Rate Structure, Cost of Service Allocation Study, Bill Frequency Analysis, and Special Rate Contracts

²² Telecommunications stakeholders did not participate in the ANOPR Order stakeholder process. As noted above, Exhibit B refers to telecommunications utilities, which are subject to Chapter 30 (2004). Chapter 30 (2004) instituted alternative rate setting processes for ILECs that allowed them to move away from traditional rate base/rate-of-return regulation. Similarly, CLECs are currently not regulated on a rate base/rate-of-return basis. Also, to a degree, Section 53.59 (relating to cost support requirements and effective filing dates for tariff filings of noncompetitive services) has replaced Section 53.53 Exhibit B. Section 53.59 governs the filing requirements and information that needs to be filed for a rate increase for both ILECs and CLECs. See 30 Pa.B. 6202. Further, Section 53.59 and other telecommunications sections in Title 52 of the *Pennsylvania Code* are now under review in the Commission's pending rulemaking at Docket No. L-2018-3001391 regarding Chapters 53, 63 and 64. Parties are invited to comment on whether, inter alia, to withdraw Exhibit B entirely as part of this rulemaking, to defer that consideration to Docket No. L-2018-3001391, to amend Exhibit B, or to leave Exhibit B as it is. (*Editor's Note*: The then-pending rulemaking at Docket No. L-2018-3001391 was published at 52 Pa.B. 5049 (August 13, 2022) as final.)

N. Long Term Infrastructure Improvement Plan and Annual Asset Optimization Plan

Subsection E.IV. Industry Specific Filing Requirements

A. Water, Wastewater and Stormwater Public Utilities

B. Gas Public Utilities

C. Manufactured Gas Public Utilities

D. Steam Public Utilities

For discussion, we note that in certain areas of the filing requirements, certain financial information and data is sought not just for the public utility but also its parent company and the consolidated group. We propose to add definitions for the terms “affiliated company,” “consolidated group,” “parent company,” “public utility,” and “subsidiary company,” as follows (in alphabetical order as appearing in the proposed Exhibit E in Clarified Annex B):

Affiliated company—A company in any chain of successive ownership of stock or membership interest, regardless of the tier, under the parent company.

Consolidated group—The public utility and its parent company and affiliated companies.

Parent company—The beneficial holder of the largest voting interest in the public utility or the company listed at the top of a corporate hierarchy structure with ultimate controlling interest in the public utility. Includes the municipality if the public utility is a municipal utility subject to Commission regulation.

Public utility—For purposes of this Exhibit E, the filing entity using a FPPTY pursuant to this subchapter (relating to rates).

Subsidiary company—A company in which the public utility is the beneficial holder of the largest voting interest.

We note these definitions were not proposed or discussed during the ANOPR Order stakeholder process. As for the definition of “parent company,” this proposed definition recognizes that the direct parent company of a public utility may be a holding company and not the ultimate controlling parent for which the data is being sought. We invite comment on these proposed definitions and the use of these defined terms in the filing requirements.

We noted the frequent use of other undefined terms in the filing requirements that resulted from the ANOPR Order stakeholder process. We anticipate that it would bring clarity to assign definitions to such terms. Accordingly, we propose to define the following terms in Exhibit E in Clarified Annex B as follows:

AFUDC—Allowance for funds used during construction—The capitalized cost of debt and equity funds used to finance an addition of public utility plant to rate base while the plant is under construction.

Billing determinant—The detailed customer usage data per unit of consumption by rate schedule needed to bill customers at present rates, for example, kWh for electric utilities, Mcf for gas utilities, or other unit of consumption for water or wastewater, as specified by the public utility in an approved tariff.

CWIP—Construction work in progress—A holding account for capitalizing construction costs of public utility plant not yet ready to be placed in service.

Customer class—A broad rate group that is used to allocate costs for rate design, such as residential, commercial and industrial classifications.

Customer charge—A flat monthly charge to cover fixed costs incurred to provide public utility service to a customer.

Pro forma—Calculations of financial results using certain projections or assumptions as delineated by the public utility which provide information about the public utility's potential financial performance in a test year.

Rate schedule—A specific rate group within a customer class defined in the public utility's tariff.

Tariff—A document, on file with, and approved by, the Commission, establishing the types of rates charged for specific public utility services and the general terms and conditions under which such services will be provided.

USoA—Uniform System of Accounts—An accounting system prescribed by FERC and adopted by the Commission applicable to public utilities regulated by the Commission. The accounting system prescribes the manner and form by which public utility accounts shall be maintained.

Again, we note these definitions were not proposed or discussed during the ANOPR Order stakeholder process. We invite comment on these proposed definitions and the use of these defined terms in the filing requirements. We also invite comments on whether additional definitions are needed.

We have largely refrained from referring specifically to stakeholder discussions, but we note, without specific attribution, that the proposed Exhibit E, subsection III.D. Rate Base, Requirement 11, generated an extensive discussion during the stakeholder process. At this stage, we propose inclusion of this requirement as we understand that it is intended to obtain information and data pertaining to projected plant additions during the FPFTY. The proposed requirement would require a public utility to:

Provide a schedule that shows a breakdown of plant additions and retirements by plant account for the FTY and the FPFTY, showing all of the following:

- a. Account number.
- b. Description of the addition.
- c. Project number.
- d. Addition amount.
- e. Completion date.
- f. Description of retirement.
- g. Retirement amount.
- h. Grand totals.

The information that would be required could permit further discovery by parties to a general rate increase case as well as permit an evidence-based determination by the Commission on the merits of including or excluding the plant for rate recovery. Specifically, the proposed data would appear to go to the question of whether a projected plant addition appears certain to occur in the FPFTY and whether it would be reasonable for inclusion in rate recovery from consumers. The proposed data would, in the alternative, appear to address whether the projected plant addition is speculative or in the preliminary planning stages and thus should be excluded from rate base. See *UGI Electric* at 28, 31 (denying the

inclusion of a \$13.4 million Operations Center in rate base because, based on the evidence presented, there was too much uncertainty surrounding the proposed building to conclude with reasonable certainty that it would be operational in the FPFTY). We anticipate extensive comment on this issue.

The following terms, as proposed for use in Exhibit E, are sourced from the existing exhibits but are not clearly defined in the existing exhibits: “investment tax credits” and “job development credits.” Parties are requested to provide their understanding, including citations, of these terms as they would be used in Exhibit E.

We propose for use in Section III.K.31 of proposed Exhibit E the following language:

III.K.31. Regarding responses to these filing requirements on income taxes paid on the HTY operating statement, reconcile data from both federal and state income taxes showing effects due to normalization, yearly write-offs of past years, income tax deferrals and normalization of investment tax and development credits.

This proposal draws upon the following provision in existing Exhibit A:

Reconcile all data given any answers to questions on income taxes charged on the HTY operating statement with regard to income taxes paid, income taxes charged because of normalization and credits due to yearly write-offs of past years' income tax deferrals and from normalization of investment tax and development credits. (Both Federal and State income taxes.)

Parties are requested to address the proposed filing requirement as it would be used in Exhibit E.

We propose for use in Section III.K.8 of proposed Exhibit E the following language:

III.K.8. Provide a table showing the cumulative depreciated original cost by year of installation for public utility plant by asset type in service at the end of the HTY, the FTY and the FPFTY (depreciable plant only) as claimed in the measures of value. Formulate the table with all of the following:

- a. Column 1: Year installed.
- b. Column 2: Original cost.
- c. Column 3: Accrued depreciation.
- d. Column 4: Depreciated original cost (which is original cost minus accrued depreciation); total this column.
- e. Column 5: Cumulative depreciated original cost, increased year by year.
- f. Column 6: Cumulative depreciated original cost, year by year, divided by the total of column 4, shown as a percent.

This proposal draws upon multiple references in the existing exhibits to “measures of value,” “depreciated original cost,” “surviving cost,” “survivor curve,” “calculated depreciation reserve,” and “annual depreciation accruals” as well as other elements to be provided in various formats and tables to arrive at cumulative depreciated original cost by year. Parties should comment on how this table should be structured including definitions for the terms used in the table if existing terms are not clear.

Section IV.A.6.c.i would use the term “acute” to modify the term “violation.” This term is used only once and is drawn from the existing Exhibit D. Parties are requested to provide their understanding, including citations, of the term “acute” as it would be used in Exhibit E or propose alternative language.

In proposed sections IV.B.8 and IV.B.9 of Exhibit E, we propose the following two requirements:

8. To the extent applicable, provide the annual recorded expenses by USoA for the HTY and as projected for the FTY and FPFTY by account. Identify all accounts used but not specifically listed in B.9 below.

9. Natural gas production expenses: To the extent applicable, provide the annual recorded expenses by USoA for the HTY and as projected for the FTY and FPFTY by the following accounts: . . .

It is possible that these two proposed requirements are covered by proposed section III.B.11 in proposed Exhibit E. Parties are requested to address whether the proposed sections IV.B.8 and IV.B.9 of Exhibit E are redundant or whether they would require information not otherwise addressed in the proposed Exhibit E.

5. *Section 53.54. Small water and wastewater utilities*

a. *Existing Provisions*

In paragraph (6) of Section 53.54(a), a small water or wastewater public utility is defined as having annual gross revenue of less than \$250,000.

Section 53.54 governs the information and data to be furnished by small water and small wastewater utilities to support their rate filings. Small water and wastewater public utilities have been able to request and use short-form rate forms under the existing regulations. See Section 53.54(6). The short-form schedules, with instructions, as developed by Commission staff, that are currently available for optional use by small water public utilities and wastewater public utilities, are available for download from the Commission’s website at <https://www.puc.pa.gov/filing-resources/forms/waterwastewater-forms/>.

A small water public utility or a small wastewater public utility is permitted to use an EMOF to cover listed contingencies if they occur with no return on such funds; EMOF funds cannot be claimed as part of a public utility’s rate base. They are subject to strict and extensive Commission oversight regarding use and disbursement. Contributions to an EMOF, which are collected from customers through rates, are treated as an expense. See Small Water and Sewer Company Rate Methodologies, Docket No. L-00930082, 27 Pa.B. 301 (January 18, 1997).

b. *Proposed Revisions to Existing Provisions*

We propose to refine the references to small water and small wastewater public utilities consistent with Commission interpretation of this existing subsection and with the proposed definitions of “small water public utility” and “small wastewater public utility” in Section 53.51a. Throughout Section 53.54, we propose to update the terms to reflect a small water or a small wastewater public utility.

We also propose to define “EMOF” in Section 53.51a and propose to provide clarity on the use of an EMOF in Clarified Annex A.

c. *Proposed Use of Short-Form Schedules and Instructions*

In Section 53.54(a), we propose to direct small water and small wastewater public utilities to use Short-Form Schedules, to be available on the Commission’s website, as the starting point for their Section 53.54 rate change filings. The use of Short-Form Schedules by a small water or small wastewater public utility would standardize and streamline the filing requirements necessary for these entities. This would also present the potential for increased process efficiency for the Commission Staff responsible for reviewing the rate change filing and preparing a report for Commission action.

We are proposing several revisions to the existing Short-Form Schedules and Instructions which are available for download from the Commission’s website at <https://www.puc.pa.gov/filing-resources/forms/waterwastewater-forms/>. The proposed revisions to the Short-Form Schedules and Instructions include:

(1) Disclaimers that each document is an informal staff opinion, is only an aid to the public utilities and the public, does not have the force and effect of law or legal determination and is not binding on the Commonwealth or the Commission. See 52 Pa. Code § 1.96 (relating to unofficial statements and opinions by Commission personnel).

(2) Housekeeping and administrative edits such as changing references to “Office of Trial Staff” to “Bureau of Investigation and Enforcement.”

The proposed revisions to the Short-Form Schedules include:

(3) Adding formulas that calculate adjustments or claims for the adjusted test year, including the following:

(a) The maximum allowable operating revenue increase based on the public utility’s claims for expenses, rate base and rate of return compared with operating revenue at present rates.

(b) Cash working capital rate base claim equals (total operating and maintenance expenses minus purchased water or wastewater conveyance and/or treatment and minus non-cash operating and maintenance expenses) divided by 8.

(c) Revenue Factor Adjustment to account for increases in bad debt expense, regulatory expense (that is, Commission, OCA and OSBA assessments) and for Federal and State income tax expenses that directly result from increases in operating revenues. Rates for bad debt expense and regulatory commission expense would be based on adjusted test year claims. Federal and State income tax expenses would be based on default rates of 21% and 9.99%, respectively, and would consider the deductibility of state income taxes for federal income tax purposes.

(4) Revising Schedule D—Statements of Income to include additional account numbers from Schedule 407 of the water and wastewater annual report forms including bad debt expense and regulatory commission expense account numbers.

The proposed revisions to the Short-Form Schedule and Instructions include adding the following directives:

(5) Provide information for proposed changes in terms and conditions of service. See 52 Pa. Code § 53.52(a).

(6) Explain how cash working capital is calculated including the formula used to calculate the claim. Exclude the following from cash working capital when the 1/8 method is used:

(a) Exclude income taxes because income taxes are not an operating and maintenance expense, and funds are collected from customers prior to payments being made;

(b) Exclude Purchased Water or Wastewater Conveyance/Treatment expenses because funds are collected from customers prior to payments being made unless the public utility can justify that it is billed in advance for services rather than in arrears; and

(c) Exclude non-cash operating and maintenance expenses, such as depreciation, amortization, and bad debt expenses.

(7) Explain how the revenue factor adjustment is calculated.

(8) Use Federal and State income tax rates of 0% if the public utility is not subject to corporate income tax (that is, sole proprietorships, partnerships, certain limited liability corporations, S-Corporations, and municipal corporations).

(9) Schedule D—Statements of Income and the public utility's rate base claim:

(a) Base claims on facility service lives rather than tax lives;

(b) Consider historic service lives that the public utility used for similar facilities and service lives from recent service life studies and/or annual depreciation reports filed with the Commission when selecting service lives for new utility facilities; and

(c) Annualize related depreciation expenses to reflect the actual annual depreciation expense the public utility will incur going forward for facilities that were added or that became fully depreciated, or both, during the test year.

(10) Schedule G—Rate of Return:

(a) Consider using a return on equity that is no greater than the Commission-approved return on equity for water and wastewater utilities for DSIC purposes, as specified in the most recent Bureau of Technical Utility Services Report of the Quarterly Earnings of Jurisdictional Utilities; and

(b) Reduce the rate of return to reflect the fact that the investor is not subject to income taxes if the public utility is a municipal entity.

The proposed revisions to the instructions also would include:

(11) A link to the most recent Bureau of Technical Utility Services Report of the Quarterly Earnings of Jurisdictional Utilities on the Commission's website.

(12) Explanation of the option order process described in 52 Pa. Code § 53.54(a).

(13) Explanation of the option of alternative rate-making methodologies, such as the operating ratio methodology under § 53.54(b) and multiyear rate plans pursuant to 66 Pa.C.S. § 1330(b).

(14) A sample certificate of service.

(15) A link for *A Guide to Utility Ratemaking* on the Commission's website.

(16) Information regarding posting of customer notices in public utility offices and issuing news releases. See 52 Pa. Code § 53.45(b)(1) and (3).

(17) Sample customer notice and the telephone number for the Commission's Bureau of Consumer Services.

While we invite comments on the use and content of the Short-Form Schedules and Instructions, we specifically invite comments on whether it would be reasonable for small water or wastewater pass-through entities (that is, entities other than municipal corporations) that are not subject to corporate income tax to be permitted to use statutory corporate tax rates when completing the form or for the Commission to consider awarding additional return on equity basis points for such entities.

These Short-Form Schedules and Instructions will not be promulgated in the regulations.²³ Rather, after reviewing any comments or reply comments submitted to the Commission in this proceeding relating to the existing schedules and instructions and the areas of proposed revisions identified above, we intend to adopt final Short-Form Schedules and Instructions in a future Commission order. The final Short-Form Schedules and Instructions would be available on the Commission's website and be subject to future modification by Commission order. The final-form regulation will list the information to be required and that the information is required to be filed on a form provided by the Commission.

6. *Section 53.55. Applicability; canal, turnpike, tunnel, bridge, and wharf companies*

a. *Existing Provisions*

Section 53.55 governs the information to be provided by a canal, turnpike, tunnel, bridge or wharf company public utility when it files a tariff, revision or supplement increasing or decreasing rates and seeks information and data using the public utility's HTY.

b. *Proposed Revisions to Existing Provisions*

We invite comment as to whether this Section 53.55 is being used in contemporary rate cases or rate change filings of canal, turnpike, tunnel, bridge or wharf companies. In conducting our review, we were not able to locate any recent or historical rate cases or rate change filings of canal, turnpike, tunnel, bridge or wharf companies using Section 53.55. We ask that commenters address whether this entire section is still necessary or if it can be deleted for lack of use.

If it appears we should keep Section 53.55, like Section 53.52(b) and (c), we propose in Section 53.55(a) and (b) to replace descriptive language of the HTY with the actual defined term "HTY," where applicable. Additionally, if Section 53.55 is retained, we would add a provision to the definition of "HTY" in Section 53.51a that for canal, turnpike, tunnel, bridge and wharf companies, the HTY would be "the 12-consecutive-month period, the end of which may not be more than 60 days prior to the filing."

7. *Section 53.56. Supporting data for future test year*

a. *Existing Provisions*

Section 53.56 permits the use of a FTY in discharging a public utility's burden of proof under Section 315 of the Code, and specifies that if a FTY is used, it shall be in addition to, and not in lieu of, other data and material required to be submitted for the HTY.²⁴ It also provides

²³ The adoption of a form as a regulation requires an agency to amend the regulation to change the form, even if only a minor change is necessary.

²⁴ Section 53.56 became effective January 3, 1989, 18 Pa.B. 5451.

that a FTY shall be based on estimates for a period of 12-consecutive months, beginning on the day following the end of the HTY. If a FTY is used, Section 53.56 requires the public utility to submit for the record, during the rate proceeding, the results of its actual experience in the FTY for each quarter starting with the day following the end of the HTY within 30 days of the end of the quarter or as soon thereafter as available.

b. *Proposed Revisions to Existing Provisions*

We propose to preserve the major substantive provisions of the existing Section 53.56. We propose some housekeeping updates, however. First, to separate the different concepts being addressed, we propose to separate certain text appearing in subsection (a) into a new subsection (a.1). In the new subsection (a.1), we propose to add “fully substantiated” before estimates to clarify that the FTY shall be based on fully substantiated estimates. Finally, we propose to replace the term future test year with FTY and the descriptive language of the HTY with the actual term “HTY.”

We note that the existing Section 53.56(b) requires the public utility, if a FTY is used, to submit for the record, during the rate proceeding, the actual results of its experienced quarter in the FTY, starting with the day following the end of the HTY within 30 days of the end of the quarter or as soon thereafter as available. We propose in a new § 53.56(c) that, following the completion of a rate proceeding, the public utility be required to also file “appropriate data evidencing the accuracy of the estimates” used to calculate its cost of service components in the FPFTY. Section 53.56(b) and our proposed revisions in § 53.56(c), and § 53.56a discussed below, are consistent with the requirements in Section 315(e) relating to the potential of a public utility to over-project its estimates in the FTY or the FPFTY:

Whenever a utility utilizes a [FTY] or a [FPFTY] in any rate proceeding and such [FTY] or a [FPFTY] forms a substantive basis for the final rate determination of the commission, the utility shall provide, as specified by the commission in its final order, appropriate data evidencing the accuracy of the estimates contained in the [FTY] or a [FPFTY], and the commission may after reasonable notice and hearing, in its discretion, adjust the utility’s rates on the basis of such data.

66 Pa.C.S. § 315(e).

8. *Proposed New Section 53.56a. Supporting data for fully projected future test year*

We propose to add a new Section 53.56a regarding supporting data required if a public utility is using a FPFTY. Section 53.56a(a) would provide that if a FPFTY is used, the public utility would also submit information and data for the HTY and FTY. Section 53.56a(b) would provide that if a FPFTY is used, it would be based on fully substantiated estimates and that the estimates for a FPFTY would have to be of the same or similar type, quantum and nature as required to be submitted for a HTY and FTY and would have to describe the methodology, data and material used as the basis for the estimates.

Finally, consistent with the language in Section 315(e) discussed above, Section 53.56a(c) provides that if a public utility submits and uses data for a FPFTY and such FPFTY forms a substantive basis for the final rate determination of the Commission, it shall, following the completion of the proceeding, file with the Commission and serve on the interested parties in the same docketed

proceeding in which the final rate determination was entered, the results of its actual experience in the FPFTY. The results shall be submitted within 30 days of the end of the last quarter of the FPFTY or as soon thereafter as available. The public utility shall submit such data as appropriate evidencing the accuracy of the estimates contained in the FPFTY.

D. *Comments and Reply Comments*

We invite public utilities and other interested parties to file comments and/or reply comments on this Clarified NOPR Order and the proposed changes to our regulations as set forth in Clarified Annex A and Clarified Annex B. Parties may provide comments or reply comments on any existing or proposed provisions, including terms and definitions, of Sections 53.51—53.56a regardless of whether comments are specifically invited. We note that “major” and “significant” are used several times in Clarified Annexes A and B. We invite the parties to comment on how to quantify these terms relative to the sections where they are used. Parties may also offer suggestions for additional provisions not covered in the proposed regulations.

We establish a 90-day comment period, consisting of a 45-day comment period and a 45-day reply comment period. Comments will be due within 45 days of publication of this Clarified NOPR Order in the *Pennsylvania Bulletin*. Reply comments will be due 45 days after the deadline for comments. This Clarified NOPR Order, Clarified Annex A and Clarified Annex B will be served on all parties to this proceeding, made public on the Commission’s website, and provided to the Governor’s Budget Office and the Office of the Attorney General. Publication of the foregoing in the *Pennsylvania Bulletin* will not occur until after this Clarified NOPR Order, Clarified Annex A and Clarified Annex B have been reviewed by the Governor’s Budget Office and by the Office of the Attorney General. Parties should note that the official versions of this Clarified NOPR Order, the proposed Clarified Annex A and proposed Clarified Annex B are the versions published in the *Pennsylvania Bulletin*.

Conclusion

Accordingly, under Sections 315, 501, 1301, 1304, 1308, 1350—1360 and 1501 of the Public Utility Code, 66 Pa.C.S. §§ 315, 501, 1301, 1304, 1308, 1350—1360, and 1501; the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, as amended, 45 P.S. §§ 1201, et seq.; and the regulations promulgated thereunder, at 1 Pa. Code §§ 7.1—7.4; we propose adoption of new regulations at 52 Pa. Code §§ 53.51—53.56a as set forth in Clarified Annex A and at 52 Pa. Code § 53.53 as set forth in Clarified Annex B; the Short-Form Schedules and Instructions for small water public utility and small wastewater public utilities will not be promulgated in the regulations; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulations set forth in Clarified Annex A and Clarified Annex B.

2. The Law Bureau shall submit this Clarified Notice of Proposed Rulemaking Order and Clarified Annexes A and B to the Office of Attorney General for review and approval and to the Governor’s Budget Office for review for fiscal impact.

3. Upon completion of the reviews by the Office of Attorney General and the Governor’s Budget Office, the Law Bureau shall submit this Clarified Notice of Pro-

posed Rulemaking Order and Clarified Annexes A and B for review and comment to the Legislative Standing Committees, the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Independent Regulatory Review Commission.

4. Interested parties may file written comments referencing Docket No. L-2012-2317273 within 45 days of publication in the *Pennsylvania Bulletin*, and may file written reply comments within 45 days of the deadline for comments. Comments and reply comments are to be filed electronically through the Commission’s e-File System. See <https://efiling.puc.pa.gov/> for instructions. Confidential materials should be clearly marked as such and be e-mailed to Rosemary Chiavetta, Commission Secretary, rchiavetta@pa.gov, in lieu of being e-Filed.

5. The Secretary shall serve this Clarified Notice of Proposed Rulemaking Order and Clarified Annexes A and B on the Energy Association of Pennsylvania (EAP), the National Association of Water Companies (NAWC), the Pennsylvania Telephone Association (PTA), all jurisdictional electric distribution companies, all jurisdictional natural gas distribution companies, Philadelphia Gas Works, all jurisdictional water and wastewater utilities, Pittsburgh Water and Sewer Authority (PWSA), the Commission’s Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all other parties of record at this docket.

6. The Secretary shall publish to the Commission’s website this Clarified Notice of Proposed Rulemaking Order and Clarified Annexes A and B at Docket No. L-2012-2317273.

7. The contact persons for this rulemaking are Louise Fink Smith, Assistant Counsel, Law Bureau, finksmith@pa.gov; Melanie J. El Atieh, Assistant Counsel, Law Bureau, melatieh@pa.gov; Erin Laudenslager, Manager, Bureau of Technical Utility Services, elaudensla@pa.gov; and Karen Thorne, Regulatory Review Assistant, Law Bureau, kathorne@pa.gov. Parties shall e-mail electronic copies in Microsoft Word®-compatible format of their filings at this docket to these contact persons. Electronic copies in Microsoft Word®-compatible format of all comments and reply comments shall be provided via email to the following Commission email account: RA-PC-FPPTY2317273E@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: May 12, 2022

ORDER ENTERED: August 24, 2022

Fiscal Note: 57-334. No fiscal impact; (8) recommends adoption.

Clarified Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. Fixed [**Service**] **Services Public** Utilities

CHAPTER 53. Tariffs for [**Noncommon**]
Non-Common Carriers

**INFORMATION FURNISHED WITH THE FILING
OF RATE CHANGES**

§ 53.51. General.

(a) In order that the Commission may be concurrently advised of the net effect of a proposed change in rates upon the customers and the revenues of a public utility, as well as the *prima facie* reasonableness of the proposed

rate changes, the data called for in §§ **53.51—53.56a**, as appropriate, shall accompany the filing of the proposed rates.

(a.1) Each of the following jurisdictional entities listed in paragraphs (1)—(4) are subject to §§ 53.51—53.56a. For purposes of providing the data called for in §§ 53.51—53.56a to accompany the filing of proposed rates, each of the entities described in paragraphs (2)—(4) are subject to the same filing requirements as a public utility, as such term is used in the singular or plural throughout §§ 53.51—53.56a.

(1) A public utility, as such term is defined in 66 Pa.C.S. § 102 (relating to definitions), that owns or operates in this Commonwealth equipment or facilities for at least one of the following activities:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity or steam for the production of light, heat or power to or for the public for compensation.

(ii) Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

(iii) Wastewater collection, treatment or disposal for the public for compensation.

(iv) Conveying or transmitting messages or telecommunications, except as a canal, turnpike, tunnel, bridge, wharf company and the like, by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation.

(2) A city natural gas distribution operation, as the term is defined in 66 Pa.C.S. § 102 and used in the provision of 66 Pa.C.S. § 2212 (relating to city natural gas distribution operations).

(3) An Authority, as such term is defined in 66 Pa.C.S. § 3201 (relating to definitions) and used in the provisions of 66 Pa.C.S. §§ 3202—3209.

(4) A municipal corporation furnishing or rendering public utility services or facilities beyond its corporate limits, but only to the extent of its services or facilities furnished, rendered, or extended beyond its corporate limits, consistent with the jurisdiction conveyed to the Commission in 66 Pa.C.S. § 1501 (relating to character of service and facilities).

(b) [**Utilities**] **Public utilities** shall file with the Commission Secretary an original of the proposed rate changes and of the data required under this chapter. If necessary or appropriate, the Secretary shall request additional copies.

(c) No tariff or tariff supplement will be deemed perfected for filing purposes until all data required by this chapter to accompany the tariff or tariff supplement [**is**] **are** filed with the Commission. A tariff or tariff supplement not accompanied by the data and required to be so accompanied is not perfected for filing purposes and will be rejected unless the Commission, by order and for good cause shown, allows the tariff or tariff supplement to be filed [**;** **however, the submission of data regarding trended original cost referred to by this chapter shall be at the option of the public utility. In the event that**]. **If** a tariff or tariff supplement filing is

deemed not perfected and is rejected [**for the reason that**] **because** it is not in compliance with this chapter, the Secretary will notify the sender, within 30 days after the filing, that the filing is not perfected, and will, in the notice, set forth specifically the deficiencies in the filing.

(1) Whenever a tariff or tariff supplement filing is rejected in accordance with this subsection, the sender, in submitting an amended filing, shall submit a new proposed effective date, not earlier than 60 days after the amended filing is perfected, for the tariff or tariff supplement.

(2) Notwithstanding this subsection, if the Secretary fails to notify the sender within 30 days that a tariff or tariff supplement is not perfected because it is not accompanied by the required data, with deficiencies specifically set forth in the notice, the tariff or tariff supplement will be deemed perfected for filing purposes and will be filed as of the date it was first filed with the Commission.

(d) Each **public** utility filing a proposed rate change with the Commission shall serve a copy of the proposed rate change and supporting data required by this chapter upon the Office of Consumer Advocate[**. Verification of service of this information upon the Office of Consumer Advocate shall be filed with the Commission, the Office of the Small Business Advocate, the low-income advocates for the service territory, the Commission's Bureau of Investigation and Enforcement and the Commission's Bureau of Technical Utility Services. Additionally, the public utility shall file a certificate of service of this information with the Commission.**

(*Editor's Note:* The following text is proposed to be added and is printed in regular type to enhance readability.)

§ 53.51a. Definitions.

The following words and terms, when used in §§ 53.51—53.56a (relating to information furnished with the filing of rate changes), have the following meanings, unless the context clearly indicates otherwise:

Artificial gas—A manufactured gaseous fuel created from coal, oil, and the like, as differentiated from natural gas.

EMOF—Emergency maintenance and operation fund—An expense claim, by a small water public utility or a small wastewater public utility, in lieu of a cash working capital claim which may be allowable in anticipation of emergencies as a restricted reserve account.

FPFTY—Fully projected future test year—A 12-consecutive-month period beginning with the first full month that the new rates will be in effect after the application of the full suspension period permitted under section 1308(d) of the Public Utility Code, 66 Pa.C.S. § 1308 (relating to voluntary changes in rates) and reflecting estimated results of operations of the public utility.

FTY—Future test year—A 12-consecutive-month period beginning the day after the end of the HTY and reflecting in part estimated results of operations of the public utility based on adjustments to HTY amounts for known and measurable changes or other adjustments as supported by data.

HTY—Historic test year—The experienced 12-consecutive-month period that reflects actual results of operations of a public utility based on book values, corresponding to one of the following time frames:

(1) For a small water or small wastewater public utility, the experienced 12-consecutive-month period ending no later than 180 days prior to the rate filing.

(2) For a public utility not subject to paragraph (1), either of the following:

(A) The public utility's most recent experienced 12-consecutive-month fiscal period ending prior to the rate filing.

(B) The experienced 12-consecutive-month period ending no later than 120 days prior to the rate filing.

Reserve account—A segregated account of a small water or a small wastewater public utility, to be funded by customer contributions collected by a small water or a small wastewater public utility through base rates for the purpose of making capital improvements to utility plant pursuant to a long-range plan developed in conjunction with the Commission or the Department of Environmental Protection or as required to assure compliance with Federal or State safe drinking water statutes or regulations.

Small wastewater public utility—A jurisdictional wastewater public utility with average gross annual revenue of less than \$250,000 (in all cases, annual revenue excludes contributions in aid of construction and advances for construction). The term also includes a municipal corporation providing jurisdictional wastewater service outside of its corporate limits with average gross annual revenue for such service of less than \$250,000 (in all cases, annual revenue excludes contributions in aid of construction, advances for construction, and non-jurisdictional operating revenue). Average gross annual revenue is calculated as an average of gross annual operating revenue for the last 3 calendar years.

Small water public utility—A jurisdictional water public utility with average gross annual revenue of less than \$250,000 (in all cases, annual revenue excludes contributions in aid of construction and advances for construction). The term also includes a municipal corporation providing jurisdictional water service outside of its corporate limits with average gross annual revenue for the service of less than \$250,000 (in all cases, annual revenue excludes contributions in aid of construction, advances for construction, and non-jurisdictional operating revenue). Average gross annual revenue is calculated as an average of gross annual operating revenue for the last 3 calendar years.

Test year—The 12-consecutive-month period used by the public utility in discharging its burden of proof under 66 Pa.C.S. § 315(a) (relating to burden of proof).

§ 53.52. Applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies.

(a) Whenever a public utility, other than a canal, turnpike, tunnel, bridge or wharf company, files a tariff, revision or supplement effecting changes in the terms and conditions of service rendered or to be rendered, it shall [**submit to**] **file with** the Commission, [**with the tariff, revision or supplement,**] statements showing all of the following:

(1) The specific reasons for each change.

(2) The total number of customers served by the public utility.

(3) A calculation of the number of customers, by tariff subdivision, whose bills will be affected by the change.

(4) The effect of the change on the public utility's customers.

(5) The direct or indirect effect of the proposed change on the public utility's revenue and expenses.

(6) The effect of the change on the service rendered by the public utility.

(7) A list of factors considered by the public utility in its determination to make the change. The list shall include a comprehensive statement about why these factors were chosen and the relative importance of each. This [subsection] paragraph does not apply to a portion of a tariff change seeking a general rate increase as defined in 66 Pa.C.S. § 1308 (relating to voluntary changes in rates).

(8) Studies undertaken by the public utility in order to draft its proposed change. This paragraph does not apply to a portion of a tariff change seeking a general rate increase as defined in 66 Pa.C.S. § 1308.

(9) Customer polls taken and other documents which indicate customer acceptance and desire for the proposed change. If the poll or other documents reveal discernible public opposition, an explanation of why the change is in the public interest shall be provided.

(10) Plans the public utility has for introducing or implementing the changes with respect to its ratepayers.

(11) FCC, FERC or Commission orders or rulings applicable to the filing.

(b) [Whenever] When a public utility other than a canal, turnpike, tunnel, bridge or wharf company files a tariff, revision or supplement which will increase or decrease the bills to its customers, it shall [submit] file with the Commission in addition to the requirements of subsection (a) [, to the Commission, with the tariff, revision or supplement,] statements showing all of the following:

(1) The specific reasons for each increase or decrease.

(2) The operating income statement of the public utility for [a 12-month period, the end of which may not be more than 120 days prior to the filing. Water and wastewater utilities with annual revenues under \$100,000 and municipal corporations subject to Commission jurisdiction may provide operating income statements for a 12-month period, the end of which may not be more than 180 days prior to the filing] the HTY.

(3) A calculation of the number of customers, by tariff subdivision, whose bills will be increased.

(4) A calculation of the total increases, in dollars, by tariff subdivision, projected to an annual basis.

(5) A calculation of the number of customers, by tariff subdivision, whose bills will be decreased.

(6) A calculation of the total decreases, in dollars, by tariff subdivision, projected to an annual basis.

(c) If a public utility files a tariff, revision or supplement which it is calculated will increase the bills of a customer or a group of customers by an amount, when projected to an annual basis, exceeding 3% of the operat-

ing revenues of the public utility—subsection (b)(4) divided by the operating revenues of the public utility for [a 12-month period as defined in subsection (b)(2)] the HTY—or which it is calculated will increase the bills of 5% or more of the number of customers served by the public utility—subsection (b)(3) divided by subsection (a)(2)—it shall submit to the Commission with the tariff, revision or supplement, in addition to the statements required by subsections (a) and (b), all of the following information:

(1) A statement showing the public utility's calculation of the rate of return or operating ratio (if the public utility qualifies to use an operating ratio under § 53.54 (relating to small water and wastewater [utilities] public utilities)) earned in the [12-month period referred to in subsection (b)(2),] HTY and the anticipated rate of return or operating ratio to be earned when the tariff, revision or supplement becomes effective. The rate base used in this calculation shall be supported by summaries of original cost for the rate of return calculation. When an operating ratio is used in this calculation, it shall be supported by studies of margin above operation and maintenance expense plus depreciation as referred to in § 53.54(b)(2)(B).

(2) A detailed balance sheet of the public utility as of the close of the [period referred to in subsection (b)(2)] HTY.

(3) A summary, by detailed plant accounts, of the book value of the property of the public utility [at the date of the balance sheet required by paragraph (2)] as of the close of the HTY.

(4) A statement showing the amount of the depreciation reserve, at the [date of the balance sheet required by paragraph (2)] close of the HTY, applicable to the property, summarized as required by paragraph (3).

(5) A statement of operating income, setting forth the operating revenues and expenses by detailed accounts [for the 12-month period ending on the date of the balance sheet required by paragraph (2)] at the close of the HTY.

(6) A brief description of a major change in the operating or financial condition of the public utility occurring between the [date of the balance sheet required by paragraph (2)] close of the HTY and the date of transmittal of the tariff, revision or supplement. As used in this paragraph, a major change is one which materially alters the operating or financial condition of the public utility [from that] as reflected in paragraphs (1)—(5).

(d) If a public utility renders more than one type of public service, such as electric and natural or artificial gas, information required by §§ 53.51—53.53 (relating to information furnished with the filing of rate changes), except subsection (c)(2), relates solely to the kind of service to which the tariff or tariff supplement is applicable. In subsection (c)(2), the book value of property used in furnishing each type of public service, as well as the depreciation reserve applicable to the property, shall be shown separately.

§ 53.53. Information to be furnished with proposed general rate increase filings in excess of \$1 million.

(a) When a public utility, other than a canal, turnpike, tunnel, bridge or wharf company, files a tariff or tariff

supplement seeking a general rate increase within the meaning of 66 Pa.C.S. § 1308(d) (relating to voluntary changes in rates), and the general rate increase exceeds \$1 million in gross annual revenues, in addition to the data required by other provisions of this chapter, the tariff or tariff supplement shall be accompanied by responses to the data requests contained in the following exhibits which apply to the public utility types, as indicated.

(1) Exhibit A—[Utilities except communications, electric, water and wastewater utilities] [Reserved].

(2) Exhibit B—[Communications] Telecommunications public utilities.

(3) Exhibit C—[Electric utilities] [Reserved].

(4) Exhibit D—[Water and wastewater utilities] [Reserved].

(5) Exhibit E—Filing Requirements For Public Utilities Seeking A General Rate Increase Above \$1 Million In Annual Gross Revenues.

(a.1) In answering the data requests contained in Exhibit E, the public utility shall indicate the test year it has elected to use in discharging its burden of proof. If a public utility elects to use a FTY in discharging its burden of proof, it must provide the data and information requested for the HTY and the FTY but not for the FPFTY. If a public utility elects to use an FPFTY in discharging its burden of proof, it must provide the data and information requested for the HTY, the FTY and the FPFTY. In all cases, the public utility must also provide the data and information for any specified years preceding or following the applicable test year. If a public utility elects to use a FTY and a question in Exhibit E requests information for the year(s) immediately following the FPFTY, the public utility shall provide the information for the years immediately following the FTY.

(b) In providing responses to these data requests, if the requested data have been previously filed with the Commission, they may be incorporated by reference. [Also, the term “historic test year” as used in these exhibits refers to the test year chosen by the utility to support its filing, that is, presumably future test year data would be supplied in most cases. “Historic test year,” as referred to in Exhibit D, is defined as book figures for the base test year. The term “future test year,” as used in Exhibit D, refers to the adjusted historic test year for known and measurable changes 12 months beyond the book figures for the base year, or the utility’s final claimed supporting data.]

(c) [Initial utility direct testimony of a witness who shall testify in support of the utility’s position shall be provided as part of the filing materials. The testimony of the filing utility shall include a complete explanation and justification of claims which depart from the unadjusted test year results of operations, including the methodology and rationale. The testimony shall be accompanied by supporting worksheets, if necessary, and shall refer to supporting exhibits to which the testimony relates. The explanation and documentation of the proposed adjustments shall enable a reasonably in-

formed party to determine how the amount was calculated and to understand why the amount is being claimed] Testimony.

(1) Filed materials shall include the direct testimony of each public utility witness who is testifying in support of the public utility’s position. The public utility’s witness testimony shall be accompanied by supporting worksheets, if necessary, and shall refer to supporting exhibits to which the testimony relates.

(2) If adjustments from the test year are proposed, the public utility’s witness testimony shall also include a complete explanation and justification of any claims which depart from the unadjusted test year results of operations, including the methodology and rationale. The public utility’s witness testimony, explanation and documentation of the proposed adjustments shall enable a reasonably informed party to determine how the amount was calculated and to understand why the amount is being claimed.

(Editor’s Note: The Commission is proposing to amend 52 Pa. Code § 53.53 by deleting Exhibits A, C and D, which appear at 52 Pa. Code Pages 53-21 to 53-61 and 53-80 to 53-100.16, serial pages (213595) to (213598), (311901) to (311902), (213601) to (213612), (311903) to (311904), (213621) to (213630), (311905) to (311906), (213635), (213654) to (213670) and (311907) to (311926). For proposed Exhibit E, see Clarified Annex B.)

§ 53.54. [Small] Applicability; small water and small wastewater public utilities.

(a) Procedures.

(1) [Whenever] When a small water or small wastewater public utility desires to file a change in its tariff which increases annual revenues, it may [advise the Commission of its intention in letter form and request the necessary Commission forms] obtain copies of the applicable rate forms from the Commission’s web site. [When filing, the] The small water or small wastewater public utility shall set forth its proposed tariff changes and reasons for the changes, together with the [necessary] completed [Commission] forms. [If the utility is unable to fully complete the necessary forms, it may request assistance from the Commission staff.]

(2) [The small water utility or wastewater utility is required to fully cooperate with the Commission staff in providing the necessary information to complete these forms if the utility is unable to do so on its own] [Reserved].

(3) [Upon completion of the Commission forms in a manner satisfactory to the Commission staff, the] The small water or small wastewater public utility shall file a tariff or tariff supplement, [along with] including the completed forms if used, incorporating the proposed changes. The effective date of the proposed increase contained in the tariff or tariff supplements [may] shall not be less than 61 days after the filing, and customers shall be notified in accordance with § [53.45(a)(2)] 53.45(b)(2) (relating to notice of new tariffs and tariff changes).

(4) On the basis of the tariff or tariff supplement filing, the accompanying data and completed forms if

used, the Commission staff [shall determine] may prepare a report that includes staff-determined tentative allowable revenues [and submit a report to the Commission]. If this report forms the basis of any action by the Commission, the report shall be made public as an attachment to a Commission order as described in paragraph (5).

(5) If the proposed revenues exceed the tentative allowable revenues, the Commission will [**suspend**] **enter an order suspending** the supplement but with a “condition subsequent” added, to the effect that if the **small water or small wastewater public** utility within a specified number of days files a superseding **tariff or tariff** supplement which produces the allowable revenues found by the staff and which has a rate structure satisfactory to the Commission, the suspension and investigation orders of the Commission shall be deemed inoperative and terminated. However, if the **small water or small wastewater public** utility fails to meet the “condition subsequent,” or if a customer files a formal complaint, the **small water or small wastewater public** utility may present the supporting data and the additional facts referred to in this section in formal proceedings. Additionally, in these formal proceedings, the **small water or small wastewater public** utility may agree to accept the most recent rate of return or operating ratio allowed a water or wastewater **public** utility by the Commission in a fully-litigated water or wastewater **public** utility rate case, but the agreement will not be binding on the Commission or any formal complainant.

(6) [**A water or wastewater utility with a gross revenue of less than \$250,000 annually shall be considered a small water or wastewater utility for purposes of short-form rate filings**] [**Reserved**].

(7) **When a small water or small wastewater public utility’s operating revenues increase in such amounts that the public utility no longer meets the criteria of the definition of a small water or small wastewater utility at § 53.51a (relating to definitions), the public utility shall continue to use previously Commission-approved EMOF, reserve account and rates and reporting as required under this section until the public utility is permitted by the Commission to change its EMOF or rates as a result of a base rate case filed with the Commission.**

(b) *Operating ratio methodology.*

(1) This ratemaking method develops a revenue requirement where little or no rate base exists. The operating ratio at present rates shall be calculated as a ratio of operating expenses to operating revenues, where the numerator shall include operations and maintenance expense, annual depreciation on [**non contributed**] **non-contributed** facilities, amortization of multiyear expenses and applicable taxes and the denominator shall consist of the **small water or small wastewater public** utility’s operating revenues at present rates.

(2) The appropriate target operating ratio in a particular case shall be determined by considering at least **all of** the following factors:

(i) The operating ratios of comparable water or wastewater **public** utilities.

(ii) Coverage of actual hypothetical, or both, interest expense.

(iii) A comparison of the cost of service with the cost of service of similar companies which do not employ an operating ratio rate methodology.

(iv) Current market conditions, including price inflation.

(v) The quality of service and efficiency of operations.

(vi) The rate case history.

(vii) Whether there is any rate base and, if so, whether any depreciation expense is being claimed in the filing.

(viii) An acquisition adjustment, if any.

(ix) Financial resources.

(x) The fairness of the resulting return.

(3) An increase or decrease in operating revenues shall be determined by dividing the **small water or small wastewater public** utility’s reasonable and legitimate operating expenses by the target operating ratio determined in paragraph (2)[,] and subtracting that amount from the test period operating revenues.

(4) The operating ratio methodology shall be available to **small** water [and] **or small** wastewater **public** utilities [**with annual gross revenues (excluding current year Contributions In Aid of Construction (CIAC)) of less than \$250,000**]. If a **small** water or **small** wastewater **public** utility [**wishes**] **chooses** to employ an operating ratio methodology in calculating its rates, it shall make this request in the context of a rate case[,] and shall bear the burden of proving all necessary elements thereof.

(c) **Purchased water cost adjustment or purchased wastewater conveyance and/or treatment cost adjustment—sliding scale of rates.**

(1) A **small** water or **small wastewater public** utility [**with annual gross revenues of less than \$250,000,**] may establish a sliding scale of rates under 66 Pa.C.S. § 1307 (relating to sliding scale of rates; adjustments) upon 60 days’ notice to customers[,] to recover the cost of purchased water **or purchased wastewater conveyance and/or treatment** obtained from municipal authorities or entities which are not affiliated interests as defined in 66 Pa.C.S. § 2101 (relating to the definition of affiliated interest). The purchased water cost adjustment **or purchased wastewater conveyance and/or treatment cost adjustment** filing shall be accompanied [**with a**] **by all of the following:**

(i) **A** tariff or tariff supplement which establishes the new rates to be placed into effect[, **a**].

(ii) **A** calculation showing the application of the new rate schedule to the [**company’s**] **small water or small wastewater public utility’s** average level of customer usage[, **an**].

(iii) **An** income statement demonstrating the effect of the tariff or tariff supplement upon the **small water or small wastewater public** utility’s revenues for the period in which the proposed tariffs would be in effect [, **a**].

(iv) **A** copy of the notice provided to customers [**and a**].

(v) **A** verification that all customers have received notice of the proposed rate change.

(2) A purchased water cost adjustment **or purchased wastewater conveyance and/or treatment cost adjustment** shall be revised and refiled within 60 days of a decrease in purchased water costs[,] **or purchased**

wastewater conveyance and/or treatment costs and shall be designed to pass through to customers the entire reduction in purchased water costs or purchased wastewater conveyance and/or treatment costs from the date the reduction becomes effective. A purchased water adjustment may be revised and refiled at any time after an increase in purchased water costs[,] or purchased wastewater conveyance and/or treatment costs and shall be designed to recover cost increases prospectively from the date of filing only.

(3) Within 30 days following the end of the calendar year, [every] a small water or small wastewater public utility utilizing a purchased water cost adjustment shall file the report prescribed by 66 Pa.C.S. § 1307(e) for the preceding 1-year period ending December 31st. These reports shall be reviewed by the Commission's Bureau of Audits, and, if no complaint or objection is raised within 45 days after filing, either by the Commission's Bureau of Audits or another person, the reports shall be deemed approved.

(d) *Emergency Maintenance and Operation Fund (EMOF)*.

(1) *EMOF burden of proof*. [An expense claim in lieu of a cash working capital claim which may be allowable] A small water or a small wastewater public utility may submit a claim for an EMOF in anticipation of emergencies such as extraordinary repairs and maintenance, drought conditions, extraordinary environmental and physical damages to sources of supply, floods, storms, freeze-ups, or other health and welfare-threatening situations. The burden of demonstrating that actual or proposed disbursements from the [fund] EMOF are reasonable and in the public interest shall be borne by the small water or small wastewater public utility.

(2) *Methodology*. The [Fund] EMOF expense may not exceed 45 days of average operating expenses, excluding taxes and [depreciation] non-cash operating expenses (for example, depreciation, amortization and bad debt expenses). If a claim for [Fund] EMOF expense is made, no additional claim for cash working capital shall be made or considered.

(3) *Procedures*. The amounts allocated for an EMOF shall be kept in a separate cash account, and disbursements shall be restricted to the uses in paragraph (1). The small water or small wastewater public utility shall report all disbursements from the [Fund] EMOF to the Commission within 10 days and shall provide a summary of each year's disbursements on its Annual Report. Disbursements from the [Fund] EMOF which are found by the Commission to have been made improperly, or in violation of a statute, regulation or order of the Commission or other Commonwealth agency shall be returned to the account or be refunded to ratepayers as the Commission may direct. A person or individual who makes, authorizes or directs disbursement from [a Fund] an EMOF which is improper or in violation of any statute, regulation or order of the Commission shall be subject to [66 Pa.C.S. § 3301 or § 3301 (relating to civil penalties for violations); and criminal penalties for violations] 66 Pa.C.S. §§ 3301 and 3302 (relating to civil penalties for violations; and criminal penalties for violations).

(4) *Availability*. The Commission may authorize funding a [Fund] EMOF for a small water [and] or

wastewater [utilities] public utility. [with annual gross revenues (excluding current year CIAC) of less than \$250,000.]

(e) *Reserve account*.

(1) *Reserve account burden of proof*. [A segregated account to be funded by customer contributions collected through base rates for the purpose of making capital improvements to utility plant pursuant to a long-range plan developed in conjunction with the Commission or the Department of Environmental Protection, or as required to assure compliance with State or Federal safe drinking water statutes or regulations.] The burden of demonstrating that actual or proposed expenditures are reasonable and in the public interest shall be borne by the small water or small wastewater public utility.

(2) *Procedures*. The amounts to be allocated to the reserve account will be determined by the Commission after review of the small water or small wastewater public utility's proposed capital budget and the justification for that budget. Funds in the reserve account shall be kept in a separate [interest bearing] interest-bearing cash account. Interest accrued shall be credited to the reserve account and shall become part of the corpus of the reserve account. Funds from the reserve account shall not be employed for a purpose other than those permitted under this section. Disbursements from the [fund] reserve account shall not be made without written authorization by the Commission upon petition, shall be restricted to the uses in subsection (d)(1), and shall be made in accordance with a capital budget submitted with the initial rate filing or as modified with the consent of the Commission. In proposing any modifications of the capital budget, the Commission or a party may solicit the advice or testimony of the Department of Environmental Protection. The small water or small wastewater public utility shall report all disbursements from the reserve account by written notice to the Commission and to other persons as the Commission may direct. Disbursements from the reserve account which are found by the Commission to have been made improperly[,] or in violation of any statute, regulation or order of the Commission or other Commonwealth agency shall be returned to the reserve account or be refunded to ratepayers as the Commission may direct. A person who makes, authorizes or directs a disbursement from a reserve account without authorization by the Commission in accordance with these rules shall be subject to [66 Pa.C.S. § 3301 or §] 66 Pa.C.S. §§ 3301 and 3302.

(3) *Accounting*. Plant capitalized by means of the reserve account shall be accounted for as a contribution in aid of construction.

(4) *Availability*. The Commission may authorize funding of a reserve account for a small water [and sewage utilities with annual gross revenues (excluding current year CIAC) of less than \$250,000] or small wastewater public utility.

§ 53.55. [Applicability; canal, turnpike, tunnel, bridge and wharf companies] [Reserved].

[(a) Whenever a canal, turnpike, tunnel, bridge or wharf company public utility files a tariff or tariff supplement which will increase or decrease the rates to any of its patrons, it shall submit to the Commission, with the tariff or tariff supplement, statements showing all of the following:

(1) The specific reasons for each such increase or decrease.

(2) The operating revenues of the utility for the latest 12-month period, the end of which shall not be more than 60 days prior to such filing.

(3) The estimated effect of each rate increase or decrease on the annual revenues of the utility.

(b) Whenever such a public utility files a tariff or tariff supplement which will increase its operating revenues for the latest 12-month period by more than 3% (subsection (a)(3) divided by subsection (a)(2)), it shall submit to the Commission with the tariff or tariff supplement, in addition to the statements required by subsection (a), all of the following information:

(1) A detailed balance sheet of the public utility as of the close of the period referred to in subsection (a)(2).

(2) A summary, by detailed plant accounts, of the book value of the property of the utility devoted to public service, as applicable, at the date of the balance sheet required by paragraph (1).

(3) A statement showing the amount of the depreciation reserve, at the date of the balance sheet required by paragraph (1), applicable to the property referred to in paragraph (2).

(4) A statement of operating income derived from public service, setting forth the operating revenues and expenses by detailed accounts, for the 12-month period covered by subsection (a)(2).]

§ 53.56. Supporting data [for future test year] required if using a FTY.

(a) In discharging its burden of proof under [section] 66 Pa.C.S. § 315[of the act] (relating to burden of proof), a public utility may submit and use data for a [future test year] FTY. The submission of information and data using a FTY shall be in addition to, and not in lieu of, other data or material required under this title, including the [submission] filing requirements for [an experienced 12-month test period] the HTY. [If a future test year is used, it shall be based on estimates for a period of 12 consecutive months, which begins on the day following the end of the required experienced 12-month period. The estimate for a future test year shall be of the same or similar type, quantum and nature as required to be submitted for an experienced test year and include the methodology, data and material used as the basis for the estimates] Specifically for a general rate increase in excess of \$ 1 million in gross annual revenues, the public utility shall provide the information and data required under § 53.53 Exhibit E (relating to filing requirements for public utilities seeking a general rate increase above \$1 million in annual gross revenues) for the HTY. In all other cases, the public utility shall provide the information and data required for the HTY under § 53.52 (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies).

(a.1) If a FTY is used, it shall be based on fully substantiated estimates. The estimates for a FTY shall be of the same or similar type, quantum and

nature as required to be submitted for a HTY and shall describe the methodology, data and material used as the basis for the estimates.

(b) If a public utility submits and uses data for a [future test year] FTY, it shall, during the course of the proceeding, [submit for] file and serve on the parties of record the [results of its] actual [experience] results experienced in the [future test year] FTY for each quarter starting with the day following the end of the [required experienced 12-month period] HTY. The results shall be submitted within 30 days of the end of the quarter [or]. If the results are not then available, the public utility shall file a status report indicating when the results will be available and file the results as soon thereafter as available.

(c) Following the completion of the rate proceeding, if the public utility's FTY data forms a substantive basis for the Commission's final rate determination, the public utility shall file with the Commission and serve on the parties of record in the same docketed proceeding in which the final rate determination was entered, the public utility's actual results experienced in the FTY. In this filing, the public utility shall provide appropriate data evidencing the accuracy of its estimates contained in the FTY. This filing shall be submitted within 30 days of the end of the last quarter of the FTY. If the results are not then available, the public utility shall file and serve on the parties of record a status report indicating when the results will be available and file the results as soon thereafter as available.

(Editor's Note: The following text is proposed to be added and is printed in regular type to enhance readability.)

§ 53.56a. Supporting data required if using a FPFTY.

(a) In discharging its burden of proof under 66 Pa.C.S. § 315 (relating to burden of proof), a public utility may submit and use data for a FPFTY. The submission of information and data using a FPFTY shall be in addition to, and not in lieu of, other data or material required under this title, including the filing requirements for a HTY and a FTY. Specifically for a general rate increase in excess of \$ 1 million in gross annual revenues, the public utility shall provide the information and data required under § 53.53 Exhibit E (relating to filing requirements for public utilities seeking a general rate increase above \$1 million in annual gross revenues) for the HTY and FTY. In all other cases, the public utility shall provide the information and data required for the HTY under § 53.52 (relating to applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies) and the information and data required for the FTY under § 53.56 (relating to supporting data required if using a FTY).

(b) If a FPFTY is used, it shall be based on fully substantiated estimates. The estimates for a FPFTY shall be of the same or similar type, quantum and nature as required to be submitted for a HTY and a FTY and describe the methodology, data and material used as the basis for the estimates.

(c) Following the completion of the rate proceeding, if the public utility's FPFTY data forms a substantive basis for the Commission's final rate determination, the public utility shall file with the Commission and serve on the parties of record in the same docketed proceeding in which the final rate determination was entered, the

public utility's actual results experienced in the FPFTY. In this filing, the public utility shall provide appropriate data evidencing the accuracy of its estimates contained in the FPFTY. This filing shall be submitted within 30 days of the end of the last quarter of the FPFTY. If the results are not then available, the public utility shall file a status report indicating when the results will be available and file the results as soon thereafter as available.

Clarified Annex B

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. Fixed [**Service**] **Services Public** Utilities

CHAPTER 53. Tariffs for [**Noncommon**]

Non-Common Carriers

INFORMATION FURNISHED WITH THE FILING OF RATE CHANGES

§ 53.53. Information to be furnished with proposed general rate increase filings in excess of \$1 million.

* * * * *

(Note: The following exhibit is proposed to be added and is shown in regular type to enhance readability.)

Exhibit E

I. Applicability

Exhibit E applies to a public utility filing for general rate increase pursuant to 66 Pa.C.S. § 1308(d) in excess of \$1 million in annual gross revenues. Subsection E.II provides definitions. Subsections E.III.A—E.III.N provide common filing requirements. Subsections E.IV.A—E.IV.D provide further filing requirements specific to a particular public utility industry.

II. Definitions

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

AAO Plan—Annual asset optimization plan—The term has the meaning prescribed in 66 Pa.C.S. § 1356 (relating to asset optimization plans).

AFUDC—Allowance for funds used during construction—The capitalized cost of debt and equity funds used to finance an addition of public utility plant to rate base while the plant is under construction.

Affiliated company—A company in any chain of successive ownership of stock or membership interest, regardless of the tier, under the parent company.

Artificial gas—A manufactured gaseous fuel created from coal, oil and the like, as differentiated from natural gas.

Billing determinant—The detailed customer usage data per unit of consumption by rate schedule needed to bill customers at present rates, for example, kWh for electric utilities, Mcf for gas utilities, or other unit of consumption for water or wastewater, as specified by a public utility in its tariff.

CWIP—Construction work in progress—A holding account for capitalizing construction costs of public utility plant not yet ready to be placed in service.

Commission—The Pennsylvania Public Utility Commission.

Consolidated group—A public utility and its parent company and affiliated companies.

Customer charge—A flat monthly charge to cover fixed costs incurred to provide public utility service to a customer.

Customer class—A broad rate group that is used to allocate costs for rate design, such as residential, commercial and industrial classifications.

DSIC—Distribution system improvement charge—The term has the meaning prescribed in 66 Pa.C.S. § 1351 (relating to definitions).

FERC—The Federal Energy Regulatory Commission.

LTIIP—Long-term infrastructure improvement plan—The term has the meaning prescribed in 66 Pa.C.S. § 1352 (relating to long-term infrastructure improvement plan).

Parent company—The beneficial holder of the largest voting interest in a public utility or the company listed at the top of a corporate hierarchy structure with ultimate controlling interest in the public utility. Includes the municipality if the public utility is a municipal utility subject to Commission regulation.

Pro forma—Calculations of financial results using certain projections or assumptions as delineated by the public utility which provide information about the public utility's potential financial performance in a test year.

Public utility—For purposes of this exhibit, a filing entity seeking a general rate increase greater than \$1 million in gross annual revenues.

Rate schedule—A specific rate group within a customer class defined in the public utility's tariff.

Subsidiary company—A company in which the public utility is the beneficial holder of the largest voting interest.

Tariff—A document, on file with and approved by the Commission, establishing the types of rates charged for specific public utility services and the general terms and conditions under which such services will be provided. Prior to approval, the document filed by a public utility in a rate case is a proposed tariff.

USoA—Uniform System of Accounts—An accounting system prescribed by FERC and adopted by the Commission specifying the manner in which a public utility regulated by the Commission shall maintain its public utility accounts.

III. General Filing Requirements

A. General

1. Provide a statement indicating that the public utility is subject to the Commission's jurisdiction.

2. Provide a statement of the total amount and percentage of the base rate increase being sought for recovery in rates under 66 Pa.C.S. § 1308(d).

3. Provide a statement indicating the test year the public utility is using in discharging its burden of proof under 66 Pa.C.S. § 315 (relating to burden of proof).

4. To the extent the public utility claims information required by this exhibit is confidential or proprietary, provide a summary statement indicating, with specificity, which Filing Requirement(s) have responses designated to be confidential or proprietary. A claim of confidentiality shall be subject to review by the presiding officer under § 5.365 (relating to orders to limit availability of proprietary information).

5. Provide the following supplemental information when providing the information required by this regulation and in response to each discovery request relative to the current base rate case proceeding, as applicable:

a. Provide the data for the HTY and the first year that new rates were in effect from the immediately preceding base rate case if the time periods for the data requested relative to the current base rate case do not include the HTY and first year under new rates from the immediately preceding base rate case.

b. Explain the difference in projections and adjustments made for the immediately preceding base rate case as compared to the projections and assumptions made relative to the current base rate case.

c. Provide details of any reconciliations and adjustments made relative to the immediately preceding base rate case and explain whether (and how) they would be expected to be rolled into base rates in the current base rate case or whether they are expected to arise relative to rates as may be established in the current base rate case.

6. Supplement the filing with the most recent information if more recent year-end information becomes available during the course of the current base rate case.

7. If a requirement calls for information for an immediately preceding year(s) or immediately following year(s) to a test year, provide information for the 12 consecutive month period conforming to the test year dates (for example, January 1 through December 31 or October 1 through September 30).

8. Provide a working electronic copy of filing schedules in Microsoft Excel or similar electronic spreadsheet format with all formulas intact including existing links, for the HTY, the FTY and the FPFTY, that support the proposed revenue requirement, rate structure and cost allocation, including, but not limited to, all schedules provided in response to these Filing Requirements.

B. Summary of Filing

1. Provide a summary discussion of the rate change request, including the total requested increase in dollars, and specific reasons for each adjustment. Provide a breakdown which identifies the revenue requirement value of the major items generating the requested rate change.

2. Identify the specific witnesses for each statement and schedule of revenues, expenses, taxes, cash flow, debt, debt coverage, property, valuation and the like and provide direct testimony supporting each element of the rate increase.

3. Provide the following schedules at present rates. In each schedule, provide references in the pro forma adjustments column for each adjustment which ties to corresponding supporting schedule detailing and explaining each operating budget adjustment.

- a. Income Statement;
- b. Cash Flow Statement;
- c. Debt-Service Coverage Ratio schedule; and
- d. Balance Sheet, showing individual columns for the following:
 - i. Actual amounts for each of the 2 years immediately preceding the HTY;
 - ii. HTY actual amounts;

iii. Pro forma adjustments between HTY and FTY, including the adjusted HTY for known and measurable changes between the HTY and FTY;

iv. FTY claimed amounts;

v. Pro forma adjustments between FTY and FPFTY, including 12 consecutive month period beginning with the first full month that new rates will be in effect after the application of the full suspension period permitted under Section 1308(d) amounts; and

vi. FPFTY claimed amounts.

4. Provide the following schedules at proposed rates. In each schedule, provide references in the pro forma adjustments column for each adjustment which ties to corresponding supporting schedule detailing and explaining each operating budget adjustment.

a. Income Statement;

b. Cash Flow Statement;

c. Debt-Service Coverage Ratio schedule; and

d. Balance Sheet, showing individual columns for the following:

i. Actual amounts for each of the 2 years immediately preceding the HTY;

ii. HTY actual amounts;

iii. Pro forma adjustments between FTY and FPFTY claimed amounts; and

iv. FPFTY claimed amounts.

5. Provide a schedule showing the number of customers by:

- a. Tariff subdivision, whose bills will be increased; and
- b. Tariff subdivision, whose bills will be decreased.

6. Provide reference and citations to FERC and Commission orders or rulings directly applicable to the filing.

7. Provide a list of reports, data or statements requested by and submitted to the Commission during the year immediately preceding the HTY through the current date.

8. Provide a statement of past and anticipated changes since the immediately preceding base rate case in major accounting procedures.

9. Provide an explanation of differences between the basis or procedure used in allocations of revenues, expenses, depreciation and taxes in the current base rate case and the basis or procedure that was used in the immediately preceding base rate case.

10. Identify each major addition to plant or facilities to be placed in operating service or removed from operating service. The supporting documentation shall indicate the effect of the plant addition or removal from service upon rate base, revenue, expense, tax, income and revenue requirement.

11. Provide revenues and expenses by the account classifications for the applicable industry's USoA.

C. Description of Public Utility Operations

1. Provide a corporate history including the date of original incorporation and any subsequent merger or acquisition.

2. Indicate all counties, cities and other governmental subdivisions in which service is provided (including service areas outside this Commonwealth) and the total number of customers by customer class or billed units in each State and county, estimated if not known.

3. Provide an organizational chart explaining the public utility's corporate relationship to affiliated companies showing the consolidated group structure and indicating whether each affiliated company is a regulated public utility under the Commission's jurisdiction or under the jurisdiction of another state public utility commission or both.

4. Provide a list and brief description of the two most recent Commission- conducted audits with related docket numbers.

5. Provide a list and brief description of internal audit reports and independent audit reports for the most recent 2-year period.

D. Rate Base

1. Provide a schedule showing the HTY rate base and rates of return at original cost less accrued depreciation under present rates and under proposed rates. Cross-reference claims made on this schedule to appropriate supporting schedules. Show pro forma adjustments for the FTY and the FPFTY.

2. If a claim is made for CWIP, provide all of the following:

- a. An exhibit with a description of each project.
- b. A summary of all work orders.
- c. Amount expended at the end of the HTY, the FTY, the FPFTY and at the completion of the project.
- d. Whether each project will be funded by the DSIC.
- e. Anticipated in-service dates.
- f. If the project is revenue producing or expense reducing, identify the revenue or expense associated with the project.

3. If a claim is made for plant held for future use, provide all of the following:

- a. A brief description of the plant or land site and its original cost.
- b. Expected date of use for each item claimed.
- c. Explanation why it is necessary to acquire each item in advance of its date of use.
- d. Date when each item was acquired.
- e. Date when each item was placed in the plant held for future use account.

4. If a claim is made for materials and supplies or fuel inventory, provide all of the following:

- a. A description of the methodology used to value material and supplies.
- b. The actual 13-month balances of the inventory of materials and supplies for the HTY.
- c. The 13-month average for materials and supplies as of the end of the HTY.
- d. The type of fuel, and location, as in station, and the quantity and price claimed.

5. If a claim is made for cash working capital, provide a supporting schedule setting forth the method and data used to determine the cash working capital, requirement. Include a lead-lag study of working capital completed no more than 6 months prior to the rate increase filing.

6. Indicate if amortized expenses have been removed from the lead-lag study. If so, provide documentation showing the removal. If not, provide a list of such amortization expenses included.

7. In the cash working capital computation, either include sales for resale and related expenses in revenues and in expenses or exclude them from revenues and expenses. Explain procedures followed.

8. Provide schedules and data in support of all of the following working capital items:

- a. Prepayments—list and identify all items.
- b. Federal Excise Tax accrued or prepaid.
- c. Federal Income Tax accrued or prepaid.
- d. Pennsylvania State Income Tax accrued or prepaid.
- e. Pennsylvania Gross Receipts Tax accrued or prepaid.
- f. Pennsylvania Public Utility Realty Tax accrued or prepaid.
- g. State sales tax accrued or prepaid.
- h. Payroll taxes accrued or prepaid.
- i. Any adjustments related to the previously listed items for ratemaking purposes.

9. Identify fund availability arrangements or terms which the public utility has with its banks with respect to deposits of customer checks.

10. If a claim is made for an additional item in rate base not otherwise addressed in these Filing Requirements, identify such claim and provide a statement, exhibit, or both, explaining in detail the appropriateness of such claim.

11. Provide a schedule that shows a breakdown of plant additions and retirements by plant account for the FTY and the FPFTY, showing all of the following:

- a. Account number.
- b. Project number of each addition and each retirement.
- c. Completion date of each addition and each retirement.
- d. Description of the addition.
- e. Addition amount of each addition.
- f. Description of retirement.
- g. Retirement amount of each retirement.
- h. Totals of additions and retirements.

12. Explain how the plant balances for the FTY and the FPFTY were projected. Provide supporting workpapers and documentation.

13. Provide the estimated percentage of assets used for non-jurisdictional service. Include any asset included in the plant in service claim not used exclusively for jurisdictional service.

14. Identify plant that will not be providing jurisdictional service and prepare a schedule listing those plant

items identified by account. Explain why such plant is not being used and the anticipated future disposition of the plant. Indicate if plant is used to provide more than one mode of jurisdictional service.

15. Provide all workpapers and supporting documentation showing the derivation of the projected balances for the FTY and the FPFTY of each of the following:

- a. Contributions in aid of construction.
- b. Customer and developer advances for construction and public utility service line.
- c. Customer deposits.

16. Provide schedules supporting claimed amounts for plant in service by function and by account for the HTY, the FTY and the FPFTY.

17. Provide supporting schedules which indicate the procedures and calculations employed to develop the original cost plant and applicable reserves to the HTY, the FTY and the FPFTY as submitted in the current proceeding.

18. Provide a schedule showing details of plant in service and accumulated depreciation adjustments for the HTY, the FTY and the FPFTY.

E. Rate of Return

1. Provide capitalization and capitalization ratios for the last 5-year period and projected through the FTY and the FPFTY (with short-term debt and without short-term debt) for the public utility, the parent company and the consolidated group.

2. Provide the most recent year-end interest coverage before and after taxes for the last 3 years and at the most current, including indenture and Securities and Exchange Commission (SEC) basis, for the public utility, the parent company and the consolidated group.

3. Provide the year-end preferred stock dividend coverages for the last 3 years and at most current date, including charter and SEC basis.

4. Provide the most recent quarterly financial reports within the last year (for the public utility and for its parent company), stockholder's reports (for the public utility and for its parent company) and prospectuses (for the public utility and for its parent company).

5. Provide actual and projected capital requirements and sources of capital for the public utility, the parent company, and the consolidated group for the HTY, the FTY, the FPFTY and the 2 years immediately following the FPFTY.

6. Provide a nominal cost schedule of debt and preferred stock of the public utility, the parent company and the consolidated group as of the HTY year-end and most current date. Note projected new issues, retirements, and other major changes from the comparable historical data. Include all of the following details:

- a. Date of issue.
- b. Date of maturity.
- c. Amount issued.
- d. Amount outstanding.
- e. Amount retired.
- f. Amount reacquired.
- g. Gain or loss on reacquisition.
- h. Coupon rate.

i. Discount or premium at issuance.

j. Issuance expenses.

k. Net proceeds.

l. Sinking fund requirements.

m. Effective interest rate.

n. Dividend rate.

o. Effective cost rate.

p. Total average weighted effective cost rate.

7. If a claim is made for a cost of debt that exceeds the cost of debt shown in the nominal cost schedule under E.6 because of, for example, convertible features, sale with warrants or other reason, provide a full statement of the basis for such claim.

8. Provide details on available common stock offerings of the public utility if publicly traded and of the parent company for the past 5 years to present including details of any planned issuance in the FTY and the FPFTY, as follows for all of the following:

a. Date of prospectus.

b. Date of offering.

c. Record date.

d. Offering period including dates and number of days.

e. Amount and number of shares of offering.

f. Offering ratio, if rights offering.

g. Percent subscribed.

h. Offering price.

i. Gross proceeds per share.

j. Expenses per share.

k. Net proceeds per share in previously listed 8.i and 8.j.

l. Market price per share to include each of the following:

i. At record date.

ii. At offering date.

iii. One month after close of offering.

m. Average market price during offering to include each of the following:

i. Price per share.

ii. Rights per share-average value of rights.

n. Most current reported earnings per share at time of offering.

o. Most current reported dividends at time of offering.

9. Provide complete support for the claimed rate of return on common equity. Provide the actual earned return on common equity for the HTY and the 2 years immediately preceding the HTY.

10. Provide schedules of comparative financial data and ratios for the public utility for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY. Note changes in ratings by all applicable rating agencies covering the entity on the schedules. Include the rating agencies' write-ups of these changes if available. Provide the financial data and ratio schedules and ratings change information for the parent company if the data, schedules or information are not available for the public utility. Show all of the following:

- a. Earnings-price ratio (average).

b. Times interest earned ratio on a pre-tax basis and a post-tax basis.

c. Preferred stock dividend coverage ratio on a post-tax basis.

d. Times fixed charges earned ratio on a pre-tax basis.

e. Dividend payout ratio.

f. AFUDC as a percent of earnings available for common equity.

g. CWIP as a percent of net public utility plant.

h. Effective income tax rate.

i. Internal cash generation as a percent of total capital requirements.

j. Times fixed charges earned ratio on a post-tax basis.

k. Earnings per share.

l. Dividend per share.

m. Average dividend yield (52-week high/low common stock price).

n. Average book value per share.

o. Average market price per share.

p. Market price-book value ratio.

q. Earnings-book value ratio (per-share basis, average book value).

r. Debt-Service Coverage Ratio.

11. Provide an AFUDC schedule that includes all of the following:

a. AFUDC rate charged by the public utility at the end of the HTY, the FTY and the FPFTY.

b. How the AFUDC rate was calculated.

c. Explanation of the method used to calculate the AFUDC amounts.

d. Cross-reference to where each of the items in previously listed 11.a—11.c is reflected in the current base rate case filing.

12. Provide all of the following information concerning bank notes payable for the HTY (per book):

a. Line of credit at each bank.

b. Average daily balances of notes payable to each bank, by name of bank.

c. Interest rate charged on each bank note (prime rate, formula).

d. Purpose of each bank note (for example, construction, fuel storage, working capital, debt retirement and the like).

e. Prospective need in the next 5 years for this type of financing.

13. If a claim is made for compensating bank balances, provide all of the following information:

a. Name and address of each bank.

b. Types of accounts with each bank such as checking, savings, escrow, other services, and the like.

c. Average daily balance in each account from the start of the HTY through the date of filing.

d. Amount and percentage requirements for compensating bank balances at each bank.

e. Average daily compensating bank balance at each bank.

f. Documents from each bank explaining compensating bank balance requirements.

g. Interest earned on each type of account.

h. A calculation showing the average daily float for each bank.

14. If a claim is made for compensating bank balances, provide the amount of compensating bank balances required under each of the following:

a. Annualized test year operations at pro forma present rates; and

b. Operations under pro forma proposed rates.

15. Provide the charter and indentures provisions, if applicable, for the public utility and the parent company that describe coverage requirements, limits on proportions of types of capital outstanding, and restrictions on dividend payouts.

16. Provide copies of the summaries of the public utility's projected revenues, expenses and capital budgets for the FTY and the FPFTY.

17. Describe long-term debt reacquisition by issue by the public utility and the parent company as follows including all of the following:

a. Reacquisition by issue by year.

b. Total gain or loss on reacquisitions by issue by year.

c. Accounting for gain or loss for income tax and book purposes.

d. Proposed treatment of gain or loss on such reacquisition for ratemaking purposes.

18. Provide a schedule showing the major components of claimed capitalization and the derivation of the weighted costs of capital to support the claim. Include a descriptive statement concerning the major elements of changes in claimed capitalization, cost rates and overall return from comparable historical data.

19. Provide a schedule in the same format as the schedule provided in Filing Requirement as previously listed in E.18, except for the omission of the descriptive statement, for the most immediate comparable annual historical period prior to the HTY and the 2 calendar years most immediately preceding the rate of return claim period. Include reflect capital ratios with and without short-term debt regardless of whether the capitalization claimed on the schedule provided in Filing Requirement as previously listed in E.18, includes short-term debt.

20. Provide the capitalization data requested in Filing Requirements as previously listed in E.18 and E.19, for the parent company and the consolidated group.

21. Provide the bond rating history for the public utility from the major credit rating agencies for the most recent 5 years.

22. Provide the bond rating history for the parent company from the major credit rating agencies for the most recent 5 years if applicable.

23. Provide copies of each presentation and report made by management and securities analysts on the public utility's behalf, including presentations of financial projections, in the past 2 years.

24. Provide copies of each presentation and report made by management and securities analysts on the parent company's behalf, including presentations of financial projections, in the past 2 years if applicable.

25. Provide a listing of all securities issuances for the public utility projected for the next 2 years following the end of the test year. Identify for each projected issuance all of the following:

- a. Date.
- b. Dollar amount.
- c. Type of security.
- d. Effective cost rate.

26. Provide a listing of all securities issuances for the parent company projected for the next 2 years following the end of the test year if applicable. The response shall identify for each projected issuance all of the following:

- a. Date.
- b. Dollar amount.
- c. Type of security.
- d. Effective cost rate.

27. Provide the actual cost of long-term debt for the HTY and the 2 years immediately preceding the HTY. Identify any plan by the public utility to refinance high-cost long-term debt or preferred stock.

28. Provide a listing of common equity infusions from the parent company to the public utility during the HTY if applicable. Indicate any common equity infusions made or anticipated in the FTY and anticipated in the FPFTY calculations. Identify date, dollar amount and intended use of the funds for each infusion.

29. Identify the public utility's common dividend payments to the parent company for the HTY and the 2 years immediately preceding the HTY if applicable.

30. Provide year-by-year financial projections for the public utility for the next 3 years beyond the end of the test year.

31. Identify the public utility's capital structure targets (percentages of capital types) for the FTY and the FPFTY. Explain the basis for the capital structure targets. Provide a schedule showing targets and actuals for the HTY and the 2 years immediately preceding the HTY.

32. Identify the parent company's capital structure targets (percentages of capital types) for the FTY and the FPFTY if applicable. Explain the basis for the capital structure targets. Provide a schedule showing targets and actuals for the HTY and the 2 years immediately preceding the HTY.

33. For each month of the most recent 24 months, provide all of the following public utility's:

- a. Short-term debt balance.
- b. Short-term debt interest rate.
- c. Balance of CWIP.
- d. Balance of CWIP which is eligible for AFUDC accrual.

34. Identify debt, other than instruments traded in public markets, owed to shareholders, corporate officers, members of the board of directors, affiliated companies, parent company or subsidiary companies.

35. Provide a summary statement of all stock dividends, splits or par value changes during the 2-year calendar period immediately preceding the current base rate case filing.

36. Provide a schedule of purchases or retirements of stock of the public utility or its parent company during

the 2-year calendar period immediately preceding the current base rate case filing. Provide the details of any planned purchases or retirements of stock of the public utility or its parent company in the FTY and the FPFTY.

37. If the rate of return claim is based on the use of the capital structure or capital costs of the parent company or the consolidated group, state and support the reasons for such a claim. If applicable, explain why a hypothetical or non-actual capital structure is being employed.

F. Balance Sheet

1. Provide the most current available balance sheet for the public utility, the parent company and the consolidated group.

2. Provide a comparative balance sheet for the HTY and the year immediately preceding the HTY.

3. Provide a detail of other physical property, investments in affiliated companies, and other investments for the HTY. Provide a schedule showing any anticipated changes for the FTY and the FPFTY, if applicable.

4. Supply the amounts and purpose of special cash accounts of all types, including any of the following:

- a. Interest and dividend special deposits.
- b. Working funds other than general operating cash accounts.
- c. Other special cash accounts and amounts (e.g., temporary cash investments).

5. Describe the nature, origin and amounts of notes receivable, accounts receivable and accounts payable to and from affiliates, and any other receivables or payables, other than customer accounts, which appear on the HTY balance sheet. Identify amounts that are greater than 15% of total receivables and payables respectively. Do not net receivables and payables unless there is a master agreement between the public utility and the third party that permits the netting of accounts receivable and accounts payable.

6. Provide the amount of accumulated reserve, method and rate of accrual, amounts accrued, and amounts written-off for uncollectible accounts in the HTY and the 2 years immediately preceding the HTY.

7. Provide a list of prepayments not otherwise identified elsewhere in response to the reporting requirement in connection with rate base.

8. Provide all of the following detail for each deferred asset and deferred liability on the HTY balance sheet:

- a. Description of each deferral.
- b. Date of origin for each deferral.
- c. Account name and number.
- d. Reference to Commission or other regulatory authority approval, including docket number(s).
- e. Amount contained on the balance sheet for each individual deferral and corresponding amount charged to operations for the HTY.
- f. Disposition policy (for example, method of determining yearly amortization).
- g. Anticipated changes to each account through end of the FPFTY.

9. If the public utility is not publicly traded, supply the basis for injury and damages reserve and amortization shown on the HTY balance sheet. If the public utility is

publicly traded, provide the independent audit report that includes an analysis of the reserve for injuries and damages.

10. Provide brief description and amount for any reserves outside the ordinary course of business appearing on the HTY balance sheet.

11. Provide an analysis of unappropriated retained earnings for the HTY and the 2 years immediately preceding the HTY.

12. Describe the purpose of each advance made by the public utility to the parent company and describe the terms and conditions associated with such advance for the HTY and the 2 years immediately preceding the HTY. Provide an estimate of future advances or repayments by the public utility to the parent company that are expected to occur in the FTY or the FPFTY or both.

G. Income Statement and Cash Flow Statement

1. Provide most current available income statement for the public utility, the parent company, and the consolidated group. If a claim is made for separate operating divisions of the public utility, an income statement must be shown for each operating division.

2. Provide copies of the summaries of the public utility's projected revenues, expenses, and capital budgets for the FTY and the FPFTY.

3. Provide a summary income statement showing all of the following:

- a. Per book income statement for the HTY.
- b. FTY adjustments to annualize and normalize revenue and expenses under present rates.
- c. Pro forma FTY income statement at present rates.
- d. FPFTY adjustments to revenues and expenses at present rates.
- e. Pro forma FPFTY income statement at present rates.
- f. Requested increase and corresponding iterative changes (e.g., uncollectible accounts, assessments and income taxes) with increase.
- g. Pro forma FPFTY income statement at proposed rates.
- h. References to schedules that contain supporting details for corresponding adjustments.

4. Provide comparative income statements for the HTY and the 2 years immediately preceding the HTY showing increases and decreases between the three periods. Provide explanations for variances that are greater than 15% of the summary level account type.

5. Provide operating income claims and rate of return on rate base for the HTY, the FTY and the FPFTY under all of the following:

- a. Present rates.
- b. Pro forma present rates.
- c. Pro forma proposed rates.

6. If a cash flow analysis is provided with the filing, provide a cash flow statement under present rates showing all of the following:

- a. All cash inflows from customer rates.
- b. Depreciation.
- c. Deferred taxes.

d. External financing.

e. Investment income.

f. All other sources of cash.

g. All cash outflows used to pay for public utility operations, administrative and general expenses, taxes, capital investments and dividends.

h. All other cash outflows identifying the uses of funds.

7. If a cash flow analysis is provided with the filing, provide a cash flow statement under the FPFTY proposed rates showing all of the following:

- a. All cash inflows from customer rates.
- b. Depreciation.
- c. Deferred taxes.
- d. External financing.
- e. Investment income.
- f. All other sources of cash.

g. All cash outflows to pay for public utility operations, administrative and general expenses, taxes capital investments, and dividends.

h. All other cash outflows identifying the uses of funds.

H. Operating Revenues

1. Provide for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY all of the following by customer class:

- a. Customer count.
- b. Sales by unit.
- c. Revenues.
- d. Change in revenue expressed as a percentage and a dollar amount.
- e. Forfeited discounts.
- f. Detailed breakdown of miscellaneous revenues.
- g. Annualizing and normalizing adjustments, showing all calculations.
- h. Surcharge revenues from recorded revenues itemized by appropriate revenue category.

2. State the manner in which revenues are being presented for ratemaking purposes, and provide details, using one of the following methods:

- a. Unbilled Revenues.
- b. Billed Revenues.
- c. Cash Revenues.

3. If unbilled revenue is recorded at the end of the public utility's fiscal period, provide unbilled revenue at the end of the HTY, at the year-end immediately preceding the HTY and at the beginning of the FTY. State whether recovery is reversed for ratemaking purposes and the impact on the FPFTY. Provide a detailed explanation of the procedures and methods used in developing unbilled revenues and the impact on the FTY and the FPFTY.

4. Provide a schedule of present rates and proposed rates showing dollar change and percent of change by customer class. Prepare a comparative schedule of monthly (or quarterly where applicable) billings at present rates and at proposed rates to demonstrate the impact of proposed rates over a range of usages. Identify any changes in rate design or any rate re-structure and

provide supporting explanations. Provide a copy of the proposed tariff or tariff supplement on a red line basis to identify any proposed changes.

5. Provide a detailed breakdown of miscellaneous revenues for the HTY and the 2 years immediately preceding the HTY. For the HTY, provide a monthly breakdown and an explanation of monthly variances greater than 15%. Detail any anticipated variances in the FTY and the FPFTY.

6. Provide for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY all of the following by customer class:

- a. Monthly customer counts.
- b. Monthly customer usage.

7. Provide growth patterns of usage and customer numbers by customer class, using historical and projected data.

8. If the public utility is affiliated with another public utility within a consolidated group, explain the effects, if any, upon allocation factors used in the current base rate case or in any recent rate increases allowed to the other public utility segment (or segments) of the consolidated group.

9. If the public utility has a curtailment rate in its current or proposed tariff, provide supporting data detailing curtailment adjustments, procedures and policies.

10. Provide details of the public utility's attempts, since the immediately preceding rate case filing, to recover uncollectible and delinquent accounts.

11. Describe the procedures involved in determining whether forfeited discounts or penalties are applied to customer billing.

12. Provide annualization of revenues as a result of rate changes occurring during the test year, at the level of operations as of the end of the test year.

13. Provide a schedule showing sales from all customer classes by unit per month for the HTY and for each of the 3 years immediately preceding the HTY. Provide the projections for the FTY and the FPFTY.

14. Provide an analysis showing the average usage per customer by rate schedule in the operating revenue detailed in previously listed 13. If the public utility is projecting a change in the average usage per customer, provide all of the following for each rate schedule listed in the tariff:

a. A monthly history of the average usage per rate schedule that the public utility is projecting will change covering at least 5 years; indicate if data are weather normalized.

b. A detailed description, analysis and rationale for historical or projected, or both, changes in usage per customer and support for the change by rate schedule.

c. The proposed year-end usage per rate schedule that the public utility is projecting for the FPFTY.

d. The change in volume in the HTY, the FTY and the FPFTY.

e. The dollar impact in the HTY, the FTY and the FPFTY.

15. If the public utility uses an alternative ratemaking mechanism, provide an analysis showing the alternative ratemaking mechanism's proposed impact on revenues in the FTY and the FPFTY. If the public utility is projecting

an increase or decrease in the average usage per customer as a result of the alternative ratemaking mechanism, provide all of the following for each rate schedule listed on the tariff:

- a. The non-adjusted sales used in the calculation.
- b. The alternative ratemaking mechanism used.
- c. The proposed average usage per rate schedule that the public utility is projecting for the FPFTY.
- d. The change in volume in the HTY, the FTY and the FPFTY.
- e. The dollar impact in the HTY, the FTY and the FPFTY.

16. If the public utility uses an alternative ratemaking mechanism adjustment in the tariff, provide the most recent 3-year calculation of the alternative ratemaking calculation used to adjust rates, summarizing the revenue received by the public utility or credited to the customers by rate schedule each year.

17. If the public utility's present tariff uses an alternative ratemaking adjustment, describe how the revenue received by the public utility or credited to customers was reflected in the filing.

18. Provide a schedule that shows the actual monthly amount received from each of the following sources for the HTY and the 2 years immediately preceding the HTY. State how revenues are presented for ratemaking purposes. Provide a breakdown of the amount projected to be received from each of the following sources that supports the amount reflected on the FTY and the FPFTY Income Statements:

- a. Forfeited discounts.
- b. Late payment fees.
- c. Miscellaneous revenues.
- d. Other revenues.
- e. Interest and Dividend Income.
- f. Other public utility Operating Income.
- g. Revenues from merchandising, jobbing and contract work.
- h. Revenues from non-public utility operations.
- i. Rental income.
- j. Equity in earnings of subsidiary companies.
- k. Interest and dividend income.
- l. AFUDC.
- m. Miscellaneous nonoperating income.
- n. Gain on disposition of property.
- o. Rent from public utility property.
- p. Revenues from transporting water, gas or electricity for others.

I. Operating Expenses

1. Provide a list of operating expenses for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY. Include explanations and calculations of adjustments made for ratemaking.

2. Provide a summary of claimed operating expenses for the HTY (with similar account breakdown to previously listed H.1), including annualizing and normalizing

adjustments fully supported (including explanations, documentation and calculations) to arrive at adjusted future operating expenses for ratemaking, including supporting data for the FTY and the FPFTY.

3. List extraordinary property losses as a separate item, not included in operating expenses or depreciation and amortization (not included in cost of service when the gain or loss on this property has occurred or is likely to occur in the FTY or the FPFTY). Provide the proposed ratemaking treatment of extraordinary gains and losses. Provide supporting data including an explanation and breakdown of costs.

4. For the base rate case expense claim, provide all of the following:

a. Detailed calculations of normalized base rate case expense, including supporting data for outside services rendered.

b. Justification for the proposed normalization period for the current base rate case.

c. Details and related dollar amounts by category of the base rate case expense claim. Include the actual billings or invoices and the applicable contracts in support of each category of base rate case expense.

d. Docket numbers and filing dates, indicating fully litigated or settled, for the immediately preceding three base rate cases filed with the Commission.

e. Details and related dollar amounts by category of the actual expenses of the immediately preceding three base rate cases.

5. Provide a list by applicable industry's USoA of charges by affiliates (service corporations, and the like) to the public utility, grouped by the claimed operating expenses and capitalized amounts for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY. Include all of the following:

a. Copy of contract(s) governing the services provided and charges, if any.

b. Explanation of the nature of the services provided.

c. Explanation of the basis on which charges are made.

d. If charges are allocated to the public utility, identify the affiliate provider of the charges, allocation factors and dollar amounts used for all affiliated companies not receiving allocation and explain why there is no allocation.

6. For the HTY, the FTY and the FPFTY, describe costs relative to leasing equipment, computer rentals, and office space, including terms and conditions of the lease (including but not limited to, beginning and end date(s) of lease(s), monthly or annual dollar amount of payment(s)) and copies of contracts for each. Explain the method of calculating monthly or annual payments. If allocated from the parent company or an affiliated company, provide an explanation and supporting documentation for the method of allocation.

7. For the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY, provide detailed calculations of the cost by year resulting from storm damage. Explain the method and basis for estimates.

8. For the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY, submit schedules showing, by applicable industry's USoA, the claimed expenses incurred in all of the following expense categories:

a. Miscellaneous general expenses.

b. Outside service expense.

c. Regulatory commission expenses.

d. Advertising expenses broken down by category for claimed amounts, including but not limited to advertising engaged in by trade associations whenever the public utility has claimed a contribution to the trade association as a ratemaking claim. Explain the basis for recovery.

e. Research and development expenses, showing a list of major projects.

f. Charitable and civic contributions, by recipient and amount, showing types of social and service organization memberships paid for, the cost thereof, the accounting and tax treatment, and whether included in above-the-line claimed expenses. Explain the basis for recovery.

g. Lobbying expenses, including but not limited to amounts that are a portion of membership dues. Explain the basis for recovery.

9. For the HTY, the FTY and the FPFTY, provide a schedule showing insurance expense (other than employee benefits) for each type of insurance coverage. Include all of the following:

a. A statement as to whether the public utility is self-insured or third-party insured.

b. Amounts of any reserves for claims.

c. Explanation of the extent to which employees contribute to the coverage.

d. Explanation of how insurance expense claims in the FPFTY are calculated.

10. For the HTY, the FTY and the FPFTY, show the amounts paid or claimed for industry or professional organizations expenses. Include a description of each payee organization and purpose.

11. Submit costs claimed for recovery in the FPFTY associated with cancelled construction projects or obsolete inventory. Separately identify all of the following:

a. Projects (including employee costs broken down by payroll and benefits) or inventory.

b. All other expense categories.

c. Related amounts and explain the reason for the cancellation or obsolescence.

J. Payroll, Employee Benefits and Retiree Costs

1. Provide all of the following information for employee counts for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY:

a. Actual and projected month-end employee counts by union, nonunion and temporary employee categories.

b. Explanation of any material changes in employee counts.

2. Provide all of the following payroll expense information, by union, nonunion and temporary employee categories:

a. Total annual payroll and overtime for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY.

b. Percentage and annual amount of payroll expense increases for the HTY, the FTY and the FPFTY. For increases not attributable to routine cost of living wage rate increases (1—3% increases) or union contracts, provide the percentage and annual amount of payroll expense increases for the 2 years immediately preceding the HTY.

c. Percentage and annual amount of payroll expense increases attributable to incentive plans or bonuses for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY.

d. Dates and percentages of pay increases for the 2 years immediately preceding the HTY in the same format for test year data provided in response to previously listed J.2.c.

e. Document(s) or statement(s) verifying that the actual payroll plus the increases equal the payroll expense claimed in the supporting data (by categories of expenses) for the HTY.

f. Document(s) or statement(s) showing that the verification shown in J.2.e will be conducted for the FTY and the FPFTY. Indicating the procedures for addressing any material differences between estimated expenses and actual expenses for the FTY and the FPFTY.

g. Copy of incentive compensation and bonus compensation plan documents.

3. Provide all of the following employee benefit information by union, nonunion and temporary employee categories:

a. Actual and projected expenses, by benefit type, for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY, separately identifying specific benefits and costs for executives and officers.

b. Total annual insurance premiums for each type of employee insurance coverage for the HTY, the FTY and the FPFTY, indicating whether the public utility is self-insured or third-party-insured.

c. Explanation of any projected increases in employee insurance expenses for the FTY and the FPFTY.

d. Actual and projected total annual contributions by employees for insurance coverage for the HTY, the FTY and the FPFTY.

4. Provide capitalized percentages and amounts of payroll and employee benefit expense for the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY.

5. If deferred compensation is a part of the payroll and employee benefit expense claim, provide the actual and projected annual total of any deferred income paid to employees in the HTY, the 2 years immediately preceding the HTY, the FTY and the FPFTY.

6. Provide all of the following pension information for the HTY, the FTY and the FPFTY:

a. Total annual pension expense claimed.

b. Method used to develop the pension plan claim.

c. Breakdown between capitalized and expensed pension amounts.

d. Actual cash pension contribution amounts for the HTY and 2 years immediately preceding the HTY, and projected cash pension contributions for the FTY and the FPFTY.

e. Most recent actuarial studies for the pension plan.

f. Actuarial support, if any, for actual and projected pension cash contribution amounts for the FTY, the FPFTY and any additional future periods.

g. Credit balance in the test year used to make the base rate claim. If not reflected in the claim, state why not.

h. Copy of the pension funding policy.

i. Copy of retirement plan documents.

j. If the pension cost figures include any unfunded pension costs, state the unfunded portion.

7. Provide for other post-employment benefits expense (OPEB) all of the following:

a. Actual and projected OPEB expenses for the HTY, the FTY and the FPFTY.

b. Explanation of the basis for the claim, for example, accrual, pay-as-you-go, some other method, or combination of bases.

c. Most recent actuarial studies for OPEBs.

d. Documentation necessary to support the claimed amounts.

8. List and explain all non-recurring abnormal or extraordinary expenses related to employee costs incurred in the HTY which will not be present in the FTY or the FPFTY. List and explain all non-recurring abnormal or extraordinary expenses related to employee costs expected to be incurred in the FTY or FPFTY which were not present in the HTY.

9. List and explain expenses related to employee costs included in the HTY, the FTY and the FPFTY which do not occur yearly but are of a nature that they do occur within an extended period of years.

K. Depreciation

1. Provide a description of the depreciation methods used to calculate annual depreciation amounts and depreciation reserves, together with a discussion of the factors which were considered in arriving at estimates of service life and dispersion by account. Provide a comprehensive statement of any changes made in the method of depreciation since the immediately preceding base rate case and explain the impact of added DSIC projects on service lives.

2. Provide a description of the amortization methods used to calculate annual amortization amounts and amortization reserves. Provide a comprehensive statement of any changes made in the method of amortization since the immediately preceding base rate case.

3. Provide an exhibit and charts depicting the original and estimated survivor curves and a table presenting the original life table plotted on the chart for each account where the retirement rate method of analysis is used.

4. Provide the surviving original cost at the HTY year-end by vintage by account and include applicable depreciation reserves and accruals. Provide these calculations for plant in service as well as other categories of plant, including contributions in aid of construction and customers' advances for construction, and anticipated retirements associated with any CWIP claims if applicable.

5. Provide a comparison of the calculated depreciation reserve used for ratemaking purposes compared to the book reserve by account at the end of the HTY, the FTY and the FPFTY.

6. Provide a schedule by account and depreciable group showing the survivor curve and annual accrual rate estimated to be appropriate and changes in annual accrual rates by account or by depreciable group for all of the following:

a. For the purposes of this current filing.

b. For the purposes of the immediately preceding rate increase filing prior to the current proceeding.

7. Provide a comprehensive statement of any changes made in method of depreciation and in the selection of average service lives and dispersion as a result of implementing the DSIC.

8. Provide a table showing the cumulative depreciated original cost by year of installation for public utility plant by asset type in service at the end of the HTY, the FTY and the FPFTY (depreciable plant only) as claimed in the measures of value. Formulate the table with all of the following:

- a. Column 1: Year installed.
- b. Column 2: Original cost.
- c. Column 3: Accrued depreciation.
- d. Column 4: Depreciated original cost (which is original cost minus accrued depreciation); total this column.
- e. Column 5: Cumulative depreciated original cost, increased year by year.
- f. Column 6: Cumulative depreciated original cost, year by year, divided by the total of column 4, shown as a percent.

9. Provide an exhibit showing, by account, the gross salvage, cost of removal, and net salvage for the HTY and the 4 years immediately preceding the HTY.

L. Taxes

1. Provide a copy of the Federal Tax Returns and State Tax Returns and amended returns, including supporting schedules, for the most recent 3 tax years for the public utility.

2. Provide a schedule of Federal and Pennsylvania taxes, other than income taxes, calculated on the basis of test year per book, pro forma at present rates, and pro forma at proposed rates, to include all of the following categories:

- a. Social Security.
- b. Unemployment.
- c. Public Utility Realty.
- d. Commission assessment.
- e. Other property.
- f. Sales and use tax.
- g. Other taxes.

3. Provide the three most recently filed Pennsylvania Corporate Tax reports and any associated Pennsylvania Corporate Tax Determinations.

4. Submit a schedule showing the Gross Receipts Tax base used in computing Pennsylvania Gross Receipts Tax adjustment if applicable.

5. Submit details of calculations for taxes, other than income, where a public utility is assessed taxes for doing business in another state or on its property located in another state.

6. State amount of the debt interest used for income tax calculations and details of debt interest computations for each of the following:

- a. Actual HTY.
- b. Annualized HTY year-end.
- c. Claimed FTY year-end, using present rates and proposed rates.
- d. Claimed FPFTY year-end, using present rates and proposed rates.

7. State amount of debt interest used for income tax calculations which has been allocated from the debt interest of an affiliate, and details of the allocation, for each of the following:

- a. Actual HTY.
- b. Annualized HTY year-end.
- c. Claimed FTY year-end, using present rates and proposed rates.
- d. Claimed FPFTY year-end, using present rates and proposed rates.

8. Provide all of the following income tax data:

- a. Consolidated income tax adjustments, if applicable.
- b. Interest for tax purposes (tax basis).

9. Provide a schedule showing for the last 3 years' income tax refunds, plus interest, net of taxes, received from the Federal government due to prior year claims.

10. To account for the difference between tax depreciation and ratemaking depreciation include all of the following:

a. Provide detailed computations showing the deferred income taxes derived by using accelerated tax depreciation applicable to post-1969 public utility property that increases productive capacity, and accelerated depreciation rates (ADR) on property, separating between Federal and State and rate used. Justify if based on the HTY.

b. State whether tax depreciation is based on all rate base items claimed as of the end of the FTY, and whether it is the annual tax depreciation at the end of the FTY.

c. Reconcile any difference between the deferred tax balance as shown as a reduction to measures of value (rate base) and the deferred tax balance as shown on the balance sheet.

d. Make appropriate adjustment and projections for the FPFTY.

11. Provide a schedule showing a breakdown of the deferred income taxes by Federal and State per book, pro forma, present rates and under proposed rates.

12. Regarding the Tax Cuts and Jobs Act of 2017 (TCJA) (Pub.L. No. 115-97) which became effective January 1, 2018, provide all of the following:

a. Explanation of the method used to return excess accumulated deferred income tax (ADIT) to ratepayers as a result of the TCJA and the resulting reduced Federal income tax rate.

b. Verification that the remaining excess ADIT balance is being subtracted from rate base in the FPFTY claim.

c. Breakdown between ADIT and excess ADIT (broken down by protected and unprotected) and explain how many years remain on the amortization.

d. Amount of excess ADIT being flowed back to ratepayers in the HTY, the FTY and the FPFTY, indicating where this is accomplished in the base rate case filing schedules.

13. Submit a schedule showing a breakdown of accumulated investment tax credits (3%, 4%, 7%, 10% and 11%), together with details of methods used to write-off the unamortized balances.

14. Submit a schedule showing the adjustments for taxable net income per book, including below-the-line items, and pro forma under present rates, together with

an explanation of any difference between the adjustments. Indicate charitable donations and contributions in the tax calculation for ratemaking purposes.

15. Submit detailed calculations supporting taxable net income before Federal and State income taxes where the income tax is subject to allocation due to the operations in another state, or due to operation of other taxable utilities or non-public utility businesses, or by operating divisions or areas.

16. Submit detailed calculations showing the derivation of deferred income taxes for amortization of the repair allowance if the policy is followed. Submit schedules for each accounting area if the public utility has more than one accounting area.

17. State the public utility's policy and practice on capitalization of repairs maintenance. If the public utility has opted out of Treasury Regulations 26 CFR 1.162-1.263, submit a depreciation/amortization schedule to reflect depreciation as taken over the useful life of the asset(s).

18. Provide details of the Federal Surtax Credit allocated to the Commonwealth jurisdictional area if applicable.

19. Furnish a breakdown of major items comprising prepaid and deferred income tax charges and other deferred income tax credits, reserves and associated reversals on liberalized depreciation.

20. Explain the reason for the use of cost of removal of any retired plant figures in the income tax calculations.

21. Submit all of the following data applicable to Pennsylvania Corporate Income Tax deferral:

a. Amounts of straight-line depreciation and accelerated tax depreciation, indicating the difference between these categories, and explaining which category gave rise to the normalizing tax charged back to the HTY operating statement.

b. Normalization for both Federal and State income taxes.

c. Tax rates used to calculate tax deferral amount.

22. Provide the accelerated tax depreciation and the book depreciation used to calculate the HTY deferrals in amounts segregated by each of the following:

a. Property installed prior to 1970.

b. Property installed subsequent to 1969. Indicate increasing capacity additions and non-increasing capacity additions.

23. State whether all tax savings due to accelerated depreciation on property installed prior to 1970 have been passed through to income. If not, explain why not.

24. Explain how the public utility handled the reduction in tax caused by the 2008 change in method for accounting for repairs in the HTY. Explain the future impact of the change in accounting method on taxable income relative to the FTY and the FPFTY.

25. Show any income tax loss/gain carryovers from previous years that may affect the HTY income taxes, the FTY income taxes or the FPFTY Income Taxes. Show loss or gain carryovers by years of origin and amounts remaining by years at the end of the HTY.

26. State whether the public utility eliminates tax savings by the payment of actual interest on CWIP not in the rate base claim. If so, provide all of the following:

a. Amount of construction claimed in this tax savings reduction. Explain the basis for this amount.

b. Explanation of the manner in which the debt portion of this construction is determined for purposes of the deferral calculations.

c. Interest rate used to calculate interest on this construction debt portion and the manner in which it is derived.

d. Details of calculation to determine tax savings reduction. State whether state taxes are increased to reflect the construction interest elimination.

27. Provide a detailed analysis of taxes accrued per books as of year-end for the HTY and as anticipated for the FTY and the FPFTY. Provide the basis for the accrual and the amount of taxes accrued monthly.

28. For the HTY as recorded on the HTY's operating statement, supply all of the following:

a. Amount of Federal income taxes actually paid.

b. Amount of the Federal income tax normalizing charge to tax expense due to excess of accelerated tax depreciation over book depreciation.

c. Normalizing tax charge to Federal income taxes for the 10% Job Development Credit during the test year.

d. Amount of the credit of Federal income taxes due to the amortization or normalizing yearly debit to the reserve for the 10% Job Development Credit.

e. Amount of the credit to Federal income taxes for the normalizing of any 3% Investment Tax Credit Reserve that may remain on the public utility's books.

29. Provide the debit and credit in the HTY to the deferred taxes due to accelerated depreciation for Federal income taxes.

30. Provide the debit and credit for that Job Development Credits for the HTY.

31. Regarding responses to these filing requirements on income taxes paid on the HTY operating statement, reconcile data from both Federal and State income taxes showing effects due to normalization, yearly write-offs of past years, income tax deferrals and normalization of investment tax and development credits.

32. With respect to determination of Federal and State income taxes, provide all of the following:

a. Income tax results of the annualizing and normalizing adjustments to the HTY and the FTY before any rate increase.

b. Income taxes, annualized and normalized, for the HTY and the FTY.

c. Income tax effect of the requested rate increase.

d. Income taxes for the normalized and annualized test year after application of the full requested rate increase.

e. Projections for the FPFTY.

33. In adjusting the HTY to an annualized year under present rates, explain any changes that may be due to book or tax depreciation changes and to debits and credits to income tax expense due to accelerated depreciation, deferred taxes, job development credits, tax refunds, or other items.

34. State whether section 1552 of the Internal Revenue Code (IRC) (26 U.S.C. § 1552) or 26 CFR 1.1552-1 (1983) apply to the public utility or the parent company or both. If these provisions are not applicable, state why they are

not applicable. State whether the parent company has filed a consolidated income tax return for the consolidated group. Provide all of the following as applicable:

a. Statement on what option has been chosen by the consolidated group.

b. Amount of tax liability, in summary form, that has been allocated to each of the participating members in the consolidated income tax return for the test year and the most recent 3 years for which data is available.

c. Schedule, in summary form, of contributions, which were determined on the basis of separate tax return calculations, made by each of the participating members to the tax liability indicated in the consolidated group tax return.

d. Total amounts of actual payments to the tax depository for the tax year, as computed on the basis of separate returns of members in the consolidated income tax return.

e. Most recent annual income tax return for the group.

f. Details of the amount of the net operating losses of any member allocated to the income tax returns of each of the members of the consolidated group for the most recent years for which data is available, together with a summary of the actual tax payments for those years.

g. Details of the amount of net negative income taxes, after all tax credits are accounted for, of any member allocated to the income tax return on each of the members of the consolidated group for the three most recent years for which data is available, together with a summary of the actual tax payments for those years.

h. Explanation of any changes in accounting method under IRC Sections 446 and 448 (26 U.S.C. §§ 446 and 448) and the effects of the changes on the public utility's Federal taxable income for the HTY, FTY and FPFTY.

M. Rate Structure, Cost of Service Allocation Study, Bill Frequency Analysis and Special Rate Contracts

1. Rate Structure

a. Provide copies of all present and proposed tariffs.

b. Provide a redlined document showing the changes to a tariff between the present tariff and the proposed tariff.

c. Provide a summary schedule of the individual rate effects of the proposed rates. For each tariffed rate, show all of the following information for the FPFTY:

i. Rate schedule designation.

ii. At present rates each of the following:

(a) Customers served as of end of FPFTY.

(b) Annual sales per billing determinant.

(c) Base rate revenues adjusted for any changes in base rate application that may have occurred during the FPFTY.

(d) Tax surcharge revenues.

(e) Revenues received from other clauses or riders separately accounted for.

(f) Total of all revenues for FPFTY.

iii. At proposed rates, each of the following:

(a) Estimated number of customers whose charges for service will be increased or decreased as a result of this filing.

(b) The increase or decrease in base rate revenues shown in annual dollar amount and percentage change.

(c) Estimated tax surcharge revenues based on the assumption that the base rate changes proposed were in place.

(d) Revenues received from other clauses or riders separately accounted for.

(e) The increase or decrease in total of all revenues shown in annual dollar amount change and percentage change.

iv. Supplement the revenue summary to show a complete revenue statement of the public utility's business, that is, show delayed payments, other revenues, non-jurisdictional sales and revenues and all other claimed revenue items and adjustments.

v. Provide the grand total revenue requirement showing both total sales and revenues, as adjusted, and the various increases and decreases in rates, including percentage effects, at present and proposed rates.

2. Cost of Service Allocation Study.

a. Provide a cost study allocating the claimed total cost of service, or revenue requirement, to each proposed tariff rate schedule. Tariff rate schedules may be combined for this purpose provided they are of a similar supply or end use nature. Provide a statement describing which rates were combined and the supporting explanations.

b. Provide a comparative schedule showing the rate of return for each tariff rate schedule, customer class, and service area, if applicable, at both present rates and proposed rates. If the study considers revenue sources other than base rate revenues, provide an explanation of other revenue sources included and reasons therefor.

c. Provide a description of the complete methodologies used in the cost of service allocation study.

d. Provide a statement along with the necessary data showing how the rate structure is fair and equitable to all customer classes.

e. Provide a complete description and back-up calculations for each allocation factor. Provide a description of the allocation method used, such as, peak responsibility, average and excess, or any other method.

f. Provide a schedule of the allocated revenue requirement by customer class, and service area, if applicable, at both present rates and proposed rates.

g. Indicate if the allocation method used for the current rate case is consistent with the immediately preceding base rate case study. Explain the impact of any changes.

h. Provide a detailed cost analysis supporting the customer charges, showing all direct and indirect costs included.

i. Supply the average day, the maximum day and the maximum hour deliveries to the system, adjusted for storage, for the HTY and the 2 years immediately preceding the HTY.

j. Provide workpapers, analyses, comparative data or other documentation supporting the estimated maximum day and peak hour demands by customer class for the HTY, the FTY and the FPFTY.

k. Explain the methodology used to distinguish between transmission and distribution or collection mains if applicable.

1. Provide a detailed explanation of how storage is used to meet base maximum day and maximum hour demands if applicable.

3. *Bill Frequency Analysis.*

a. Submit a bill frequency analysis for each tariffed rate schedule. The billing analysis may consist of the use of bill frequency distributions or individual customer billing records for the most recent annual periods available. Display all billing determinants. Apply the blocking and corresponding prices of the present rates and the proposed rates to the determinants to derive the base rate revenues under both present rates and proposed rates. Use the derived base rate revenues as the basis for measuring the annual base rate effect of the rates in question for the test year.

b. Supply a chart or tabulation of base rate bills for each rate schedule comparing the present rates to proposed rates. Show the dollar difference and the per cent increase or decrease.

4. *Special Rate Contracts.*

a. State whether the public utility has negotiated special rates not specified in the currently effective tariff.

b. Provide a listing of negotiated special rate contracts. Include a comparison of revenues for special rate contracts and under tariff rates.

N. Long Term Infrastructure Improvement Plan and Annual Asset Optimization Plan

1. Provide docket numbers for the most recent LTIIIP approved by the Commission as well as any pending LTIIIP filed by the public utility.

2. Provide docket numbers for AAO Plan(s) approved since the most recent approved LTIIIP and a copy of pending AAO Plan(s) filed by the public utility.

3. Provide a schedule comparing the anticipated and experienced impact on service reliability, safety enhancements, and operational savings resulting from LTIIIPs and AAO Plans, such as, for example, reduced equipment-failure-related expenses, fewer field investigations for outages, fewer complaints.

IV. Industry-Specific Filing Requirements

A. WATER, WASTEWATER AND STORMWATER PUBLIC UTILITIES

1. *Private Fire Service.*

a. Provide a breakdown of the number and size of private fire services according to the general service class of customers.

b. Provide a breakdown of the number and size of sprinkler systems serving municipal buildings.

2. *Public Hydrants.* List all public fire customers showing the number of public hydrants by size for each customer for the end of the HTY and projected for the FTY and the FPFTY.

3. *Base Cost per Billing Unit.* Provide a calculation of the public utility's base cost per billing unit of each of the following:

- a. Water.
- b. Wastewater.
- c. Stormwater.

4. *Purchased water or purchased conveyance.* Furnish the name of each supplier, gallonage (estimated if not known) and expense for water purchased or wastewater

or stormwater conveyance, treatment and/or disposal services purchased for the HTY and 2 preceding years. Provide projections for the FTY and the FPFTY.

5. *Resale.* Provide details of sales for resale, based on periods 5 years before and projections for 5 years after the FPFTY. List resale customers, units sold or projected to be sold, revenues received or projected to be received, source of units sold, contracted or spot sales, whether sales are to affiliated companies, and any other pertinent information.

6. *Quality of Service.*

a. List violations since the completion of the immediately preceding base rate case of any provision of the Pennsylvania Safe Drinking Water Act (SDWA) (35 P.S. §§ 721.1—721.17) and 25 Pa. Code §§ 109.1—109.1413 (relating to safe drinking water); the Pennsylvania Sewage Facilities Act (35 P.S. §§ 750.1—750.20a) and 25 Pa. Code §§ 71.1—71.83 (relating to administration of sewage facilities planning program); the Pennsylvania Clean Streams Law (35 P.S. §§ 691.1—691.1001), and 25 Pa. Code §§ 102.1—102.43 (relating to erosion and sediment control); or any rule, regulation or order, or any condition of any permit variance or exemption granted by the Pennsylvania Department of Environmental Protection (PA DEP), or its predecessor or successor.

i. Provide a copy of each public notification given regarding such violation.

ii. Provide a detailed explanation of actions taken to remedy such violation and to comply with the requirements prescribed by a variance or exemption. iii. State whether any fines or penalties were assessed and indicate the amounts paid by the public utility.

b. List any violation since the completion of the immediately preceding base rate case of Federal statutes or regulations implemented by the United States Environmental Protection Agency or otherwise relating to quality of service.

i. Provide a copy of each public notification given regarding the violation.

ii. Provide a detailed explanation of actions taken to remedy the violation and to comply with the requirements prescribed by a variance or exemption.

iii. State whether any fines or penalties were assessed and indicate the amounts paid by the public utility.

c. Provide information indicating whether the public utility is in compliance with SDWA provisions at 25 Pa. Code §§ 109.407—109.418 (relating to public notification):

i. Provide a copy of each public notification given in accordance with §§ 109.407—109.418 since the immediately preceding rate proceeding.

ii. Provide a detailed explanation of all actions taken to remedy an acute violation and to comply with the requirements prescribed by a variance or exemption.

iii. State whether any fines or penalties were assessed by PA DEP and indicate the amounts paid by the public utility.

d. Provide the most recent copies of all annual consumer confidence reports issued under SDWA amendments of 1996 since the last rate proceeding.

i. Provide any annual consumer confidence reports which reflect violations of Federal and State safe drinking water requirements.

- ii. Explain how these violations were resolved.
 - e. Indicate whether the public utility is in compliance with § 65.6(d) (relating to pressures) regarding pressure surveys at regular intervals. Provide details of any non-compliance and actions to bring the public utility into compliance.
 - f. Provide details on any water pressure problems lasting longer than 5 days which have occurred since the last rate proceeding in any part of the water transmission and distribution system and actions to prevent recurrences.
 - g. Describe any action taken on a temporary basis and the long-term solutions developed to address any water pressure problems.
 - h. Provide support to demonstrate that water or wastewater or stormwater service is being furnished on a continuous basis by supplying a summary of the public utility's records of each service interruption greater than 24 hours since the last rate proceeding.
 - i. Indicate whether the public utility is in compliance with § 65.4(b) (relating to records) regarding complete and current mapping of its entire distribution or collection system(s). If not in compliance, indicate what needs to be done to get into compliance and the docket numbers for any proceedings addressing non-compliance.
 - j. Provide a summary report demonstrating the public utility's efforts in water conservation, since the last rate proceeding, under § 65.20 (relating to water conservation measures—statement of policy).
 - k. Provide a discussion of the public utility's policy on tracking and responding to customer complaints. Include a copy of the policy if in written form.
 - l. Provide a summary report demonstrating the public utility's compliance with § 65.3 (relating to complaints) regarding the full and prompt investigation of service or facility complaints and the recordkeeping requirements of such complaints.
 - m. Provide a discussion of the public utility's policy regarding meter requirements, replacements and testing. State if the public utility's procedures are in compliance with § 65.8(b) (relating to meters).
 - i. Provide meter test records as required in § 65.8(c) for the 50 meters most recently removed from service.
 - ii. Provide a discussion on the public utility's policy and history of compliance with § 65.9 (relating to adjustment of bills for meter error) regarding adjustments of bills for meter error within the last year.
 - iii. If not in compliance, indicate what needs to be done to get into compliance and the docket numbers for any proceedings addressing non-compliance.
7. *Cost of Service Allocation.* Provide all workpapers and supporting documentation for the fire flow requirement and duration used in the cost of service allocation study.
8. *Unaccounted-for Water.*
- a. Provide a schedule that shows the amount and percentage of unaccounted-for water for each water distribution system for the HTY, the experienced portion of the FTY and 2 years immediately preceding the HTY.
 - b. Describe how the amount and percentage reported in IV.A.8.a were determined and explain any steps taken to reduce unaccounted-for water.

c. Explain the basis for the non-revenue water reductions used in the calculation in previously listed 8.a-8.b if applicable.

d. Explain the impact on proposed rates.

9. *Wastewater Inflow and Infiltration.*

a. Provide a schedule that shows the amount and percentage of inflow and infiltration for each wastewater or stormwater collection and conveyance system for the HTY, the experienced portion of the FTY and the 2 years immediately preceding the HTY.

b. Describe how the amount and percentage reported in IV.A.9.a were determined and explain any steps taken to reduce inflow and infiltration.

c. Explain the basis for the calculations in previously listed 9.a-9.b if applicable.

d. Explain the impact on proposed rates.

B. NATURAL GAS PUBLIC UTILITIES

1. Address lost and unaccounted-for gas:

a. Provide a schedule that shows the percentage of lost and unaccounted-for gas for the natural gas distribution system for the HTY and 2 years immediately preceding the HTY.

b. Describe how the amount in previously listed B.1. was determined and explain any steps taken to reduce lost and unaccounted-for gas.

2. Supply an exhibit showing the gas deliveries to each customer class for the most recent 24-month period. Identify the source of the gas, such as "purchased" (pipeline), "production" (includes purchases from local producers), "storage withdrawal," "propane/air" and "unaccounted-for."

3. Provide, with respect to the scope of operations of the utility, a description of all property, including an explanation of the system's operation, and plans for significant future expansion, modification or other alteration of facilities. Include all of the following:

a. If the public utility has multiple natural gas service areas, indicate if the service areas are integrated such that the gas supply is available to all customers.

b. Provide pertinent data regarding policy related to the addition of new consumers in the public utility's service area.

4. Explain how the public utility obtains its gas supply for each of the following:

a. Explain how it stores or manufactures gas if applicable.

b. State whether it has peak shaving facilities.

c. Provide details of coal-gasification programs if any.

d. Describe the potential and process for emergency purchases of gas.

e. Provide the amount of gas in MCF supplied by various suppliers in the test year. (Include a copy of all contracts).

f. Provide the amount of gas in MCF supplied from public utility-owned wells during the HTY and projected for the FTY and FPFTY.

5. Address plans for future gas supply including each of the following:

a. Supply details of anticipated gas supply from its near-term development of gas wells, if any.

b. Provide gas supply agreements and well development ventures and identify the parties thereto.

6. Indicate curtailments in the HTY and anticipated curtailments in the FTY and the FPFTY. Explain the reasons for the curtailments and the basis for projected the anticipated curtailments.

7. Provide current data on any FERC action or programs that may affect or tend to affect the natural gas supply to the public utility.

8. To the extent applicable, provide the annual recorded expenses by USoA for the HTY and as projected for the FTY and FPFTY by account. Identify all accounts used but not specifically listed in B.9 as follows.

9. To the extent applicable, provide the annual recorded natural gas production expenses by USoA for the HTY and as projected for the FTY and FPFTY by all of the following accounts:

Natural Gas Production and Gathering Operation

- 750 Operation supervision and engineering
- 751 Production maps and records
- 752 Gas wells expenses
- 753 Field lines expenses
- 754 Field compressor station expenses
- 755 Field compressor station fuel and power
- 756 Field measuring and regulating station expenses
- 757 Purification expenses
- 758 Gas well royalties
- 759 Other expenses
- 760 Rents Total _____

Maintenance

- 761 Maintenance supervision and engineering
- 762 Maintenance of structures and improvements
- 763 Maintenance of producing gas wells
- 764 Maintenance of field lines
- 765 Maintenance of field compressor station equipment
- 766 Maintenance of field measuring and regulating station equipment
- 767 Maintenance of purification equipment
- 768 Maintenance of drilling and cleaning equipment
- 769 Maintenance of other equipment
- Total _____

Total Natural Gas Production and Gathering _____

Products Extraction Operation

- 770 Operation supervision and engineering
- 771 Operation labor
- 772 Gas shrinkage
- 773 Fuel
- 774 Power
- 775 Materials
- 776 Operation supplies and expenses
- 777 Gas processed by others
- 778 Royalties on products extracted
- 779 Marketing expenses
- 780 Products purchased for resale
- 781 Variation in products inventory
- 782 Extracted products used by the utility—Credit
- 783 Rents
- Total _____

Maintenance

- 784 Maintenance supervision and engineering
- 785 Maintenance of structures and improvements
- 786 Maintenance of extraction and refining equipment
- 787 Maintenance of pipelines
- 788 Maintenance of extracted products storage equipment
- 789 Maintenance of compressor equipment

790 Maintenance of gas measuring and regulating equipment

791 Maintenance of other equipment

Total _____

Total Products Extraction _____

Exploration and Development Expenses Operation

- 795 Delay rentals
- 796 Nonproductive well drilling
- 797 Abandoned leases
- 798 Other exploration
- Total Exploration and Development _____

Other Gas Supply Expenses Operation

- 800 Natural gas well head purchases
- 801 Natural gas field line purchases
- 802 Natural gas gasoline plant outlet purchases
- 803 Natural gas transmission line purchases
- 804 Natural gas city gate purchases
- 805 Other gas purchases
- 806 Exchange gas
- 807 Purchased gas expenses
- 808 Gas withdrawn from storage—Debit
- 809 Gas delivered to storage—Credit
- 810 Gas used for compressor station fuel—Credit
- 811 Gas used for other products extraction—Credit
- 812 Gas used for other utility operations—Credit
- 813 Other gas supply expenses
- Total _____

Total Other Gas Supply Expenses _____

Total Production Expenses _____

Underground Storage Expenses Operation

- 814 Operation supervision and engineering
- 815 Maps and records
- 816 Wells expenses
- 817 Lines expenses
- 818 Compressor station expenses
- 819 Compressor station fuel and power
- 820 Measuring and regulating station expenses
- 821 Purification expenses
- 822 Exploration and development
- 823 Gas losses
- 824 Other expenses
- 825 Storage wells royalties
- 826 Rents
- Total _____

Maintenance

- 830 Maintenance supervision and engineering
- 831 Maintenance of structures and improvements
- 832 Maintenance of reservoirs and wells
- 833 Maintenance of lines
- 834 Maintenance of compressor station equipment
- 835 Maintenance of measuring and regulating station equipment
- 836 Maintenance of purification equipment
- 837 Maintenance of other equipment
- Total _____

Total Underground Storage Expenses _____

Other Storage Expenses Operation

- 840 Operation supervision and engineering
- 841 Operation labor and expenses
- 842 Rents
- 842.1 Fuel
- 842.2 Power
- 842.3 Gas Losses
- 842.4 Total _____

Maintenance

- 843 Maintenance supervision and engineering
- 844 Maintenance of structures and improvements
- 845 Maintenance of gas holders
- 846 Maintenance of purification equipment
- 847 Maintenance of liquefaction equipment
- 848 Maintenance of vaporizing equipment
- 848.1 Maintenance of compressor equipment
- 848.2 Maintenance of measuring and regulating equip-
ment
- 848.3 Maintenance of other equipment
- Total _____

Total Other Storage Expenses _____

Transmission Expenses Operation

- 850 Operation supervision and engineering
- 851 System control and load dispatching
- 852 Communications system expenses
- 853 Compressor station labor and expenses
- 854 Gas for compressor station fuel
- 855 Other fuel and power for compressor stations
- 856 Mains expenses
- 857 Measuring and regulating station expenses
- 858 Transmission and compression of gas by others
- 859 Other expenses
- 860 Rents
- Total _____

Maintenance

- 861 Maintenance supervision and engineering
- 862 Maintenance of structures and improvements
- 863 Maintenance of mains
- 864 Maintenance of compressor station equipment
- 865 Maintenance of measuring and regulating station
equipment
- 866 Maintenance of communication equipment
- 867 Maintenance of other equipment
- Total _____

Total Transmission Expenses _____

C. MANUFACTURED GAS PUBLIC UTILITIES

Provide the annual recorded expense by accounts. Identify all accounts used but not specifically listed as follows.

***PRODUCTION EXPENSES—
MANUFACTURED GAS PRODUCTION***

Operation

- 710 Operation supervision and engineering

Production Labor and Expenses

- 711 Steam expenses
- 712 Other power expenses
- 713 Coke oven expenses
- 714 Producer gas expenses
- 715 Water gas generating expenses
- 716 Oil gas generating expenses

- 717 Liquefied petroleum gas expenses
- 718 Other process production expenses
- Total _____

Gas Fuels

- 719 Fuel under coke ovens
- 720 Producer gas fuel
- 721 Water gas generator fuel
- 722 Fuel for oil gas
- 723 Fuel for liquefied petroleum gas process
- 724 Other gas fuels
- Total _____

Gas Raw Materials

- 725 Coal carbonized in coke ovens
- 726 Oil for water gas
- 727 Oil for oil gas
- 728 Liquefied petroleum gas
- 729 Raw materials for other gas processes
- 730 Residuals expenses
- 731 Residuals produced—Credit
- 732 Purification expenses
- 733 Gas mixing expenses
- 734 Duplicate charges—Credit
- 735 Miscellaneous production expenses
- 736 Rents
- Total _____

Maintenance

- 740 Maintenance supervision and engineering
- 741 Maintenance of structures and improvements
- 742 Maintenance of production equipment
- Total _____

Total Manufactured Gas Production _____

D. STEAM PUBLIC UTILITIES

Provide the annual recorded expense by accounts. Identify all accounts used but not specifically listed as follows.

PRODUCTION EXPENSES—STEAM PRODUCTION

Operation

- 700 Operation supervision and engineering
- 701 Operation labor
- 702 Boiler fuel
- 703 Miscellaneous steam expenses
- 704 Steam transferred—Credit
- Total _____

Maintenance

- 705 Operation supervision and engineering
- 706 Maintenance of structures and improvements
- 707 Maintenance of boiler plant equipment
- 708 Maintenance of other steam production Plant
- Total _____

Total Steam Production _____

[Pa.B. Doc. No. 22-1511. Filed for public inspection September 30, 2022, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Controlled Plant and Noxious Weed Committee Public Meeting

The Department of Agriculture (Department) announces a public meeting of the Controlled Plant and Noxious Weed Committee (Committee), established by 3 Pa.C.S. § 1511 (relating to designation of noxious weeds and controlled plants). The meeting will be held at 1 p.m. on October 20, 2022, by means of Microsoft Teams. The call in number is (267) 332-8737. The conference ID is 573763534#. The meeting ID is 253 932 704 308. The passcode is jpfReT.

The purpose of the meeting is to consider the addition of five plants to the noxious weed list. If time permits, these five plants will be considered at this meeting:

- Burning bush (*Euonymus alatus*) Class B consideration
- Chinese privet (*Ligustrum sinense*) Class B consideration
- European privet (*Ligustrum vulgare*) Class B consideration

- Japanese privet (*Ligustrum japonicum*) Class B consideration
- Border privet (*Ligustrum obtusifolium*) Class B consideration

Public comment will be accepted either in person at the meeting or in writing prior to the meeting. Written comments may be sent to RA-plant@pa.gov or to the Department of Agriculture, Bureau of Plant Industry Noxious Weed Program, 2301 North Cameron Street, Harrisburg, PA 17110. Written comments must be received by October 19, 2022, to be considered. Written comments will become a part of the record, with the same force as if presented during the public meeting.

The public meeting agenda related to this consideration is as follows: presentation of background information on plants for consideration; public comment period; Committee discussion; and Committee action on plants under consideration.

Individuals with questions regarding this public meeting should contact the Department at (717) 787-4843.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 22-1512. Filed for public inspection September 30, 2022, 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 September 20, 2022.

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, Bank Supervision or Credit Union and Trust Supervision (as applicable), 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, for banks (717) 783-8240 and for credit unions and trust companies (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>
09-20-2022	First Commonwealth Financial Corporation Indiana Indiana County Application for approval to acquire 100% of Centric Financial Corporation, Harrisburg, PA, and thereby indirectly acquire 100% of Centric Bank, Harrisburg, PA.	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
09-20-2022	First Commonwealth Bank Indiana Indiana County Application for approval to merge Centric Bank, Harrisburg, PA, with and into First Commonwealth Bank, Indiana, PA.	Filed

Branch Applications**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
09-16-2022	First Keystone Community Bank Berwick Columbia County	<i>To:</i> 55 Briar Creek Plaza Berwick Columbia County <i>From:</i> 50 Briar Creek Plaza Berwick Columbia County	Filed

CREDIT UNIONS

No activity.

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

RICHARD VAGUE,
Secretary

[Pa.B. Doc. No. 22-1513. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Regional Housing Advisory Committee Meetings; 2023 Annual Action Plan

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2023 Annual Action Plan. The document must be submitted to, and approved by, the United States Department of Housing and Urban Development (HUD) for the Commonwealth to receive funding under HUD's housing and community development programs of Community Development Block Grant, HOME Investment Partnerships Program, Emergency Solutions Grant Program, Housing Opportunities for People with AIDS, the National Housing Trust Fund and Recovery Housing Program.

As part of the planning process, the Department conducts meetings across this Commonwealth to discuss regional needs for housing, homelessness, economic and community development issues and develop priorities for the programs that may affect the method of distribution of the fiscal year 2023 funding. In addition, the Department goes over the accomplishments of the year prior (2021) in these programs and discusses if the Commonwealth is meeting its 5-year goals and objectives as listed in the 2019—2023 Consolidated Plan. The first of these meetings is the Regional Housing Advisory Committee (RHAC) meetings.

There are six RHACs across this Commonwealth comprising appointed members that represent specific sectors of the region. Meetings of these RHACs are open to the public under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act). These RHACs advise the Department regarding housing, homelessness, economic and community development needs, as well as assisting in fair housing planning. The RHAC meetings will take place virtually by means of Microsoft Teams on the following dates and times.

Individuals who need to join any of the meetings should contact Megan Sieber at (717) 720-7404.

Lehigh Valley RHAC Meeting (Berks, Lebanon, Lehigh, Monroe, Northampton, Northumberland, Snyder and Union Counties)

Date: Tuesday, October 11, 2022

Time: 1 p.m.—2:30 p.m.

To join by phone call (267) 332-8737. The dial in number is 149 707 018#.

Southeast RHAC Meeting (Bucks, Chester, Delaware, Lancaster, Montgomery and Philadelphia Counties)

Date: Tuesday, October 11, 2022

Time: 3 p.m.—4:30 p.m.

To join by phone call (267) 332-8737. The dial in number is 794 804 315#.

Northeast RHAC Meeting (Bradford, Carbon, Columbia, Lackawanna, Luzerne, Montour, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne and Wyoming Counties)

Date: Thursday, October 13, 2022

Time: 1 p.m.—2:30 p.m.

To join by phone call (267) 332-8737. The dial in number is 389 616 405#.

Central RHAC Meeting (Adams, Bedford, Centre, Clearfield, Clinton, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lycoming, Mifflin, Perry and York Counties)

Date: Thursday, October 20, 2022

Time: 9 a.m.—10:30 a.m.

To join by phone call (267) 332-8737. The dial in number is 555 099 764#.

Southwest RHAC Meeting (Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland Counties)

Date: Wednesday, October 26, 2022

Time: 9 a.m.—10:30 a.m.

To join by phone call (267) 332-8737. The dial in number is 251 353 807#.

Northwest RHAC Meeting (Cameron, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Potter, Venango and Warren Counties)

Date: Wednesday, October 26, 2022

Time: 1 p.m.—2:30 p.m.

To join by phone call (267) 332-8737. The dial in number is 954 278 42#.

Persons with a disability or limited English proficiency who wish to participate in any of the RHAC meetings and require an auxiliary aid, service or other accommodation to participate, should contact Megan Sieber, Department of Community and Economic Development, Center for Community and Housing Development, Commonwealth

Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404 or TDD: (717) 346-0308 or msieber@pa.gov at a minimum of 72 hours prior to the meeting to discuss how the Department may best accommodate their needs.

The Department is required by 85 FR 75361 (November 25, 2020) to annually report on the performance of the Commonwealth's Recovery Housing Program. The annual report may be found on the Department's web site at <https://dced.pa.gov/library/?wpdmc2=capers-2019-2023/> or the Department of Drug and Alcohol Program's web site at <https://www.ddap.pa.gov/pages/default.aspx>.

The public is invited to submit comments on the performance report. Comments may be sent to David Grey, Chief of Compliance and Technical Services, dgrey@pa.gov until 4 p.m. on October 16, 2022.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-1514. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Weatherization Assistance Program; Proposed Sustainable Energy Resources for Consumers Plan; Public Hearing

The Department of Community and Economic Development (Department) publishes notice of a public hearing to be held electronically, by means of web/conference call on Tuesday, October 11, 2022. This public hearing will only be held virtually by the method listed. There will be no in-person opportunity to attend the hearing.

The public hearing by means of the web/conference call will be held at 11 a.m. and will last as long as there are comments to be received. This more widely available computer access/conference call will replace the onsite public hearing. The format will be more accessible than an in-person meeting because those who wish to make comment may participate directly from their electronic device, telephone or computer. Access information can be found at the end of this notice.

The purpose of this hearing is to receive comments on the Pennsylvania Sustainable Energy Resources for Consumers project appropriated by the United States Department of Energy Weatherization Assistance Program Plan (Plan).

The Plan is demonstrating that additional energy savings can be achieved in weatherized homes through expanding energy saving materials and technologies, specifically hybrid water heaters. The project will install 96 hybrid hot water heaters within the targeted five census tracts that are opportunity zones and underserved rural communities (United States Department of Agriculture-designated towns) in Luzerne County.

Copies of the proposed Plan may be obtained beginning September 30, 2022, by contacting the Department's Center for Community Services at (717) 425-7597 or it can be downloaded from the Department's web site at www.dced.pa.gov. Written comments may be submitted electronically to ra-wxmail@pa.gov until 5 p.m. on October 11, 2022.

There is no registration to join the hearing, but if testifying contact (717) 425-7597 to be allotted time to speak.

Individuals may join the public hearing at https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F1%2Fmeetup-join%2F19%3Ameeting_OTJmNjE5ZjYwYtM2RiNi00NGVmLWEzZDUtODQ2ZGRkOWE4Nzc%40thread.v2%2F0%3Fcontext%3D%257b%2522Tid%2522%253a%2522418e2841-0128-4dd5-9b6c-47fc5a9a1bde%2522%252c%2522Oid%2522%253a%252238d19553-8a44-47fa-a000-a2a5677040ee%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=ec46d5fd-d1f5-416a-a63e-4a8e0d8b968c&directDl=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true.

The meeting ID is 234 330 153 319 and the passcode is 5Emrjq.

Individuals can join the public hearing by phone at (267) 332-8737. The conference ID is 927 056 071#.

The hearing will be shortened if there is no one to testify or there is minimal response.

Persons with a disability who wish to participate in this hearing should contact Yvonne Adams at (717) 425-7597 to discuss how the Department may accommodate their needs.

NEIL WEAVER,
Acting Secretary

[Pa.B. Doc. No. 22-1515. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Cyber Charter School Application; Public Hearings

The Department of Education (Department) will conduct virtual public hearings regarding cyber charter school applications postmarked submitted on or before October 1, 2022, received on or before October 3, 2022. The hearings are currently scheduled for November 1, 2022; November 2, 2022; November 10, 2022; November 15, 2022; and November 16, 2022.

Applicants and persons wishing to provide verbal comments at the time of the hearing must attend in person. Members of the public may view the hearing virtually or attend in person. Only individuals who have submitted comments ahead of time will be permitted to comment at the hearings. The hearings will take place in Heritage Room A on the lobby level of 333 Market Street, Harrisburg, PA 17126, beginning at 9 a.m. Login information to access the hearings will be posted to the Department's Division of Charter School's (Division) Applications webpage at <https://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

The hearings pertain to applicants seeking to operate a new cyber charter school beginning in the 2023-2024 school year. The purpose of the hearings is to gather information from applicants about the proposed cyber charter schools as well as receive comments from interested individuals regarding the applications. The names of the applicants, copies of the applications and a listing of the dates and times scheduled for the hearings on each application can be viewed on the Department's web site on or before October 11, 2022, at www.education.pa.gov.

Individuals who wish to provide verbal or written comments on an application must provide a copy of their

comments to the Department and the applicant 10 days prior to the scheduled hearing. Comments provided by this deadline will become part of the certified record concerning the applications. Failure to comply with this deadline will preclude the individual from providing comments. Verbal comments may be limited based on the number of individuals requesting time to provide comments.

The hearings will be conducted by a panel of individuals who have completed an initial review of the applications. Panel members may question the applicants on issues identified during the initial review, as well as issues raised in the written comments filed by the deadline. Panel members may also question individuals who offer verbal comments. Commentators will not be permitted to question either the applicants or the panel members.

Comments sent to the Department should be addressed to the Division of Charter Schools, 333 Market Street, 3rd Floor, Harrisburg, PA 17126-0333, in addition to being e-mailed to the Division at ra-charterschools@pa.gov.

Comments sent to the applicants should be addressed using the contact information contained within the application by mail, in addition to being e-mailed. Hearing agendas will be prepared no later than 1 week before the scheduled hearing, when the Department is aware of the number of individuals who wish to provide verbal comments at each hearing. The hearing agendas will provide the order of presentation, as well as specify the amount of time allotted to each commentator.

Hearing agendas will be posted under Charter School Applications on the Department's web site at <http://www.education.pa.gov/K-12/Charter%20Schools/Pages/Charter-Applications.aspx>.

For questions regarding these hearings, contact the Division at ra-charterschools@pa.gov.

ERIC HAGARTY,
Acting Secretary

[Pa.B. Doc. No. 22-1516. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS UNDER THE CLEAN STREAMS LAW AND FEDERAL CLEAN WATER ACT

This notice provides information about persons who have applied to the Department of Environmental Protection (DEP) for a new, renewed, or amended NPDES or WQM permit, or a permit waiver for certain stormwater discharges, or have submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications and NOIs concern, but are not limited to, effluent discharges from sewage treatment facilities and industrial facilities to surface waters or groundwater; stormwater discharges associated with industrial activity (industrial stormwater), construction activity (construction stormwater), and municipal separate storm sewer systems (MS4s); the application of pesticides; the operation of Concentrated Animal Feeding Operations (CAFOs); and the construction of sewage, industrial waste, and manure storage, collection and treatment facilities. 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). More information on the types of NPDES and WQM permits that are available can be found on DEP's website (visit www.dep.pa.gov and select Businesses, Water, Bureau of Clean Water, Wastewater Management, and NPDES and WQM Permitting Programs).

<i>Section</i>	<i>Category</i>
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|-----|--|
| I | Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received |
| II | Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs |
| III | Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity |

Section I identifies the following applications and NOIs that have been received by DEP:

- Individual and General WQM Permit Applications Received—DEP provides a 15-day public comment period for Individual WQM Permit Applications for new and reissued permits. There is no public comment period for General WQM Permit NOIs.
- General Chapter 92a NPDES Permit NOIs Received—There is no public comment period for General NPDES NOIs received.
- All Transfer and Minor Amendment Applications/NOIs Received—Transfer and Minor Amendment Applications/NOIs received for Individual and General WQM Permits and Individual and General NPDES Permits, excluding PAG-01 and PAG-02, are identified but do not have public comment periods. DEP provides a 15-day public comment period for Individual WQM Permit Applications for amendments.

Additional information on these applications and NOIs may be reviewed by generating the “Applications and NOIs without Comment Periods Report” or, for Individual WQM Permit Applications, the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice.

Section II identifies individual NPDES permit applications received and draft permits indicating DEP’s tentative determination relating to sewage, industrial waste, industrial stormwater, MS4s, pesticides and CAFOs. A 30-day public comment period applies to these applications and draft permits, except when a site-specific water quality criterion is used to establish effluent limitations, in which case a 45-day public comment period applies. The period for comment may be extended at the discretion of DEP for one additional 15-day period. Additional information, including links to draft permits and fact sheets that explain the basis for DEP’s tentative determinations may be reviewed by generating the “Applications Received with Comment Periods Report” on DEP’s website at www.dep.pa.gov/CWPublicNotice. Notification of 15-day extensions for comment will be provided in the “Applications Received with Comment Periods Report” (Comments column).

Section III provides notice of applications and draft individual permits for stormwater discharges associated with construction activities. Where indicated, DEP has made tentative determinations, based on preliminary review, to issue permits subject to proposed effluent limitations consisting of best management practices identified in the erosion and sediment control (E&S) plans and post-construction stormwater management (PCSM) plans submitted with the applications, as well as other terms and conditions based on the permit applications. A 30-day public comment period applies to these applications.

Applications, NOIs and draft permits, where applicable, may be reviewed at the DEP office that received the application or NOI. Members of the public are encouraged to use DEP’s website to obtain additional information as discussed previously.

Comments received within the appropriate comment periods for WQM and NPDES permit applications will be retained by DEP and 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 DEP of the exact basis of a comment and the relevant facts upon which it is based.

DEP office contact information to review applications and NOIs and to submit comments for those applications, when applicable, is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for permits in Sections I & II; RA-EPWW-SERO@pa.gov for permits in Section III.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for permits in Sections I & II; RA-EPWW-NERO@pa.gov for permits in Section III.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for permits in Sections I & II; RA-EPWW-SCRO@pa.gov for permits in Section III.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for permits in Sections I & II; RA-EPWW-NCRO@pa.gov for permits in Section III.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for permits in Sections I & II; RA-EPWW-SWRO@pa.gov for permits in Section III.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for permits in Sections I & II; RA-EPWW-NWRO@pa.gov for permits in Section III.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

DEP will also accept requests or petitions for public hearings on applications. The request or petition must indicate the interest of the party filing and the reasons why a hearing is warranted. A hearing will be held if DEP determines that there is a significant public interest. 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. DEP will postpone its final determination until after a public hearing is held.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

I. Individual and General WQM Permit Applications/NOIs Received, General NPDES Permit NOIs Received, and All Transfer and Minor Amendment Applications/NOIs Received.

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD440014	Chapter 102 Individual NPDES Permit	Amendment, Minor	Mifflin County School District 501 6th Street Lewistown, PA 17044-1200	Derry Township Mifflin County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PA0254983	Industrial Stormwater Individual NPDES Permit	Amendment, Minor	Donora Dock LLC 1501 Ligonier Street Latrobe, PA 15650-2912	Carroll Township Washington County	SWRO
6322801	Joint DEP/PFBC Pesticides Permit	New	Andy Terrill 1059 Allison Hollow Road Washington, PA 15301-8667	Chartiers Township Washington County	SWRO
PA0061727	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Priestly Fraternity St Peter 450 Venard Road South Abington Twp, PA 18411	South Abington Township Lackawanna County	NERO
PA0061905	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Applegreen PA Welcome Center LLC 208 Harristown Road Glen Rock, NJ 07452	Penn Forest Township Carbon County	NERO
PA0096733	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Transfer	Pleasant View MHP LLC P.O. Box 662 Mount Pleasant, PA 15666-0662	Saltlick Township Fayette County	SWRO
2672406	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Pleasant View MHP LLC P.O. Box 662 Mount Pleasant, PA 15666-0662	Saltlick Township Fayette County	SWRO
2922401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Transfer	Applegreen PA Welcome Center LLC 208 Harristown Road Glen Rock, NJ 07452	Taylor Township Fulton County	SCRO
NOEXSE153	No Exposure Certification	Renewal	Flowers Baking Co. of Oxford Inc. 700 Lincoln Street Oxford, PA 19363	Oxford Borough Chester County	SERO
PAG034855	PAG-03 NPDES General Permit for Industrial Stormwater	Transfer	Polsinello Fuels Inc. 241 Riverside Avenue Rensselaer, NY 12144-2946	Athens Township Bradford County	NCRO
PAG136295	PAG-13 NPDES General Permit for MS4s	Renewal	Koppel Borough Beaver County P.O. Box 1 Koppel, PA 16136-0001	Koppel Borough Beaver County	SWRO
PAG136304	PAG-13 NPDES General Permit for MS4s	Renewal	Baden Borough Beaver County 149 State Street Baden, PA 15005-1937	Baden Borough Beaver County	SWRO
PAG136346	PAG-13 NPDES General Permit for MS4s	Renewal	Eastvale Borough Beaver County 510 2nd Avenue E Beaver Falls, PA 15010-4808	Eastvale Borough Beaver County	SWRO
PAG136371	PAG-13 NPDES General Permit for MS4s	Renewal	Penn State Beaver Campus 100 University Drive Monaca, PA 15061-2764	Monaca Borough Beaver County	SWRO
PAG136382	PAG-13 NPDES General Permit for MS4s	Renewal	East Vandergrift Borough Westmoreland County 254 Kennedy Avenue P.O. Box 460 East Vandergrift, PA 15629	East Vandergrift Borough Westmoreland County	SWRO

NOTICES

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<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
0922411	Pump Stations Individual WQM Permit	New	Chalfont New Britain Township Joint Sewer Authority Bucks County 1645 Upper State Road Doylestown, PA 18901-2624	Doylestown Township Bucks County	SERO
0622406	Sewer Extensions Individual WQM Permit	New	Berks Montgomery Municipal Authority 136 Municipal Drive Gilbertsville, PA 19525-9463	Colebrookdale Township Berks County	SCRO
1322401	Sewer Extensions Individual WQM Permit	New	Lower Towamensing Township Carbon County 595 Hahns Dairy Road Palmerton, PA 18071-5419	Lower Towamensing Township Carbon County	NERO
PA0232921	Single Residence STP Individual NPDES Permit	Amendment, Minor	Brank Patience M 48 Lee Run Road Mahaffey, PA 15757-9400	Greenwood Township Clearfield County	NCRO
PA0239208	Single Residence STP Individual NPDES Permit	Transfer	Alex & Sarah Thiel 2510 Old Route 422 E Fenelton, PA 16034-9404	Clearfield Township Butler County	NWRO
PA0267007	Single Residence STP Individual NPDES Permit	Transfer	Peach Clifton 303 Capitol Hill Road Dillsburg, PA 17019-9744	Franklin Township York County	SCRO
PA0267465	Single Residence STP Individual NPDES Permit	Transfer	Sheldon & Fern Smith 308 Stacey Drive Mount Pleasant, PA 15666-9121	Montgomery Township Franklin County	SCRO
0722402	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Shane Noye 714 Lower Riggles Gap Road Altoona, PA 16601-8836	Antis Township Blair County	SCRO
1003406	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Alex & Sarah Thiel 2510 Old Route 422 E Fenelton, PA 16034-9404	Clearfield Township Butler County	NWRO
1922401	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Heitzman Ted III 631 Bear Gap Road Elysburg, PA 17824-9115	Cleveland Township Columbia County	NCRO
2522431	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Destin & Meghan Demarion 7814 Dutton Road Harborcreek, PA 16421-1115	Harborcreek Township Erie County	NWRO
2821401	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Sheldon & Fern Smith 308 Stacey Drive Mount Pleasant, PA 15666-9121	Montgomery Township Franklin County	SCRO
4222405	Single Residence Sewage Treatment Plant Individual WQM Permit	New	Stover Michael 4430 Route 59 Lewis Run, PA 16738-3216	Lafayette Township McKean County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
6719409	Single Residence Sewage Treatment Plant Individual WQM Permit	Transfer	Peach Clifton 303 Capitol Hill Road Dillsburg, PA 17019-9744	Franklin Township York County	SCRO

II. Individual NPDES Permits—New, Renewal, and Major Amendment Applications and Draft Permits for Discharges Relating to Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides and CAFOs.

Northcentral Regional Office

PA0112704, Sewage, SIC Code 9999, **Susquehanna Valley RV**, 236 Montour Boulevard, Bloomsburg, PA 17815-8578. Facility Name: Susquehanna Valley RV WWTF. This existing facility is located in Montour Township, **Columbia 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), Montour Run (CWF), is located in State Water Plan watershed 5-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.008 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
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
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	18.0	XXX	36.0
May 1 - Oct 31	XXX	XXX	XXX	6.0	XXX	12.0
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

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.

Northcentral Regional Office

PA0113069, Sewage, SIC Code 4952, **Greenwood Township Municipal Authority, Columbia County**, 90 Shed Road, Millville, PA 17846-9148. Facility Name: Greenwood Township Municipal Authority Sewer System. This existing facility is located in Greenwood Township, **Columbia County**.

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

The receiving stream(s), Unnamed Tributary to Green Creek (TSF), is located in State Water Plan watershed 5-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0075 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</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	Report Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	1.0	XXX	2.3

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	1.5	2.5	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅) Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids Raw Sewage Influent	1.5 Report	2.5 Report Daily Max	XXX XXX	30.0 Report	45.0 XXX	60 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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	Report Daily Max	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.

Northcentral Regional Office

PA0233315, Sewage, SIC Code 4952, **Ted Heitzman**, 631 Bear Gap Road, Elysburg, PA 17824-9115. Facility Name: Ted Heitzman SRSTP. This proposed facility is located in Cleveland Township, **Columbia County**.

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

The receiving stream(s), Unnamed Tributary to Mugser Run (HQ-CWF, MF), is located in State Water Plan watershed 5-E and is classified for High Quality—Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
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	XXX	XXX

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

- Other Requirements

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.

Northeast Regional Office

PA0034088, Sewage, SIC Code 6515, **UMH of PA, Inc.**, 150 Clay Street, Morgantown, WV 26501. Facility Name: Oakwood Lake MHP. This existing facility is located in Tunkhannock Township, **Wyoming 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, Swale Brook (CWF, MF), is located in State Water Plan watershed 4-F and is classified for Cold Water and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

(From Permit Effective Date to One Year After Permit Effective Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen Nov 1 - Apr 30	XXX	XXX	XXX	16.5	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	5.5	XXX	11

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

(From One Year After Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	16.2	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	5.4	XXX	10.9

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	XXX	XXX	0.80
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 MGD.

(From Permit Effective Date to Permit Expiration Date)

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

- Solids Management
- Treatment Plant Standard Operating Procedures

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northeast Regional Office

PA0070301, Sewage, SIC Code 6515, **WHN Management, LLC**, 2846 Main Street, Morgantown, PA 19543-9486. Facility Name: Willow Haven North MHP. This existing facility is located in Moore Township, **Northampton 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), Hokendauqua Creek (CWF), is located in State Water Plan watershed 2-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.011 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.50	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅) Total Suspended Solids	XXX	XXX	XXX	25.0	XXX	50.0
Fecal Coliform (No./100 ml) Oct 1 - Apr 30	XXX	XXX	XXX	30.0	XXX	60.0
May 1 - Sep 30	XXX	XXX	XXX	2,000 Geo Mean 200	XXX	10,000 1,000
Ammonia-Nitrogen	XXX	XXX	XXX	20.0 Report	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
Total Dissolved Solids	XXX	XXX	XXX	Annl Avg Report	XXX	XXX
E. Coli (No./100 ml)	XXX	XXX	XXX	Avg Qrtly XXX	XXX	Report

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

- Solids Management

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northeast Regional Office

PA0051632, Industrial, SIC Code 4941, **Easton Suburban Water Authority**, 3700 Hartley Avenue, Easton, PA 18043. Facility Name: Easton Water Treatment Plant. This existing facility is located in Easton City, **Northampton 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, Delaware River (WWF, MF), is located in State Water Plan watershed 1-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.50 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Instant. Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	0.75
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Turbidity (NTU)	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.001 MGD.

Parameters	Mass Units (lbs/day)		Instant. Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.50	XXX	0.75
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Turbidity (NTU)	XXX	XXX	XXX	XXX	100.0	XXX
Aluminum, Total	XXX	XXX	XXX	4.0	8.0	XXX
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

- Chemical Additives
- Sedimentation Basin Cleaning

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

Northwest Regional Office

PA0021598, Sewage, SIC Code 4952, **Conneaut Lake Joint Municipal Authority**, P.O. Box 277, Conneaut Lake, PA 16316-0277. Facility Name: Conneaut Lake Joint Municipal Authority STP. This existing facility is located in Sadsbury Township, **Crawford 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, the Conneaut Outlet, is located in State Water Plan watershed 16-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 1.1 MGD.—Interim Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.04	XXX	0.13
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	229.0	367.0	XXX	25.0	40.0	50
Nov 1 - Apr 30						
May 1 - Oct 31	138.0	211.0	XXX	15.0	23.0	30
Total Suspended Solids	275.0	413.0	XXX	30.0	45.0	60
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
E. Coli (No./100 ml)	XXX	XXX	XXX	Geo Mean XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	41.2	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	13.7	XXX	XXX	1.5	XXX	3
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Aluminum, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Arsenic, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Chromium, Hexavalent (ug/L)	0.16	0.25	XXX	17.5	27.3	43.8
Copper, Total (ug/L)	0.23	Daily Max 0.36	XXX	24.9	Daily Max 38.8	62.2
		Daily Max			Daily Max	

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Cyanide, Free (ug/L)	0.086	0.13 Daily Max	XXX	9.4	14.7 Daily Max	23.5
Iron, Dissolved (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Iron, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0 Inst Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.04	XXX	0.13
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	91.7	137.6	XXX	10.0	15.0	20
Total Suspended Solids	275.0	413.0	XXX	30.0	45.0	60
Biochemical Oxygen Demand (BOD ₅)	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	Report	XXX	XXX	Report	XXX	XXX
Raw Sewage Influent						
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	41.2	XXX	XXX	4.5	XXX	9
May 1 - Oct 31	13.7	XXX	XXX	1.5	XXX	3
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Aluminum, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Arsenic, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Chromium, Hexavalent (ug/L)	0.16	0.25 Daily Max	XXX	17.5	27.3 Daily Max	43.8
Copper, Total (ug/L)	0.23	0.36 Daily Max	XXX	24.9	38.8 Daily Max	62.2
Cyanide, Free (ug/L)	0.086	0.13 Daily Max	XXX	9.4	14.7 Daily Max	23.5
Iron, Dissolved (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Iron, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total (ug/L)	Report	XXX	XXX	Report	XXX	XXX

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

- Compliance Schedule for CBOD₅
- Solids Management
- Whole Effluent Toxicity (WET)
- TRC Effluent Limitations Below Quantitation Limits

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is not in effect.

Northwest Regional Office

PA0239321, Sewage, SIC Code 4952, 8811, **Robert Wahlmark**, P.O. Box 137, Townville, PA 16360-0437. Facility Name: Robert Wahlmark SRSTP. This existing facility is located in Randolph Township, **Crawford 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 is an Unnamed Tributary of Muddy Creek, located in State Water Plan watershed 16-A and classified for High Quality Waters—Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	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	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0288144 A-1, Sewage, SIC Code 4952, 8800, **Kristine & Vincent Balinski**, 3578 Reichert Road, Erie, PA 16509-4344. Facility Name: Kristine & Vincent Balinski SRSTP. This existing facility is located in McKean Township, **Erie County**.

Description of Existing Activity: The application is for a NPDES permit amendment for an existing discharge of treated sewage to change the disinfection type from chlorine to ultraviolet light. The change in disinfection type will remove the total residual chlorine monitoring requirement in the current permit.

The receiving stream is an Unnamed Tributary to Elk Creek, located in State Water Plan watershed 15-A and classified for Cold Water and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	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	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291021, Sewage, SIC Code 8800, **Joseph Kuzma**, 8550 Old French Road, Erie, PA 16509-5458. Facility Name: Joseph Kuzma SRSTP. This proposed facility is located in Summit Township, **Erie 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 Walnut Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg	XXX	6.0 Inst Min	XXX	XXX	9.0
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	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291048, Sewage, SIC Code 8800, **Thomas Marcinko**, 4221 South Hill Road, McKean, PA 16426. Facility Name: Thomas Marcinko SRSTP. This proposed facility is located in McKean Township, **Erie 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 Lamson Run, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
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	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291056, Sewage, SIC Code 4952, **Colleen Miller Donor**, P.O. Box 21, Wattsburg, PA 16442-0021. Facility Name: Colleen Miller Donor SFTF. This proposed facility is located in Wattsburg Borough, **Erie County**.

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

The receiving stream(s), West Branch French Creek, is located in State Water Plan watershed 16-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
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	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291072, Sewage, SIC Code 8800, **Darleen & Gerald Scutella**, 8416 Dougan Road, North East, PA 16428-5530. Facility Name: Darleen & Gerald Scutella SRSTP. This proposed facility is located in Greenfield Township, **Erie 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 Eightmile Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
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	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291218, Sewage, SIC Code 4952, 8800, **Richard Brown**, 654 Meadow Church Road, Cranberry, PA 16319-3812. Facility Name: Richard Brown SRSTP. This proposed facility is located in Cranberry Township, **Venango County**.

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

The receiving stream is an unnamed tributary to Halls Run, located in State Water Plan watershed 16-G and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	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	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Northwest Regional Office

PA0291251, Sewage, SIC Code 4952, 8800, **Amanda Sparks**, 30375 State Highway 408, Townville, PA 16360-2313. Facility Name: Amanda Sparks SRSTP. This proposed facility is located in Richmond Township, **Crawford County**.

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

The receiving stream is an Unnamed Tributary of Temple Run, located in State Water Plan watershed 16-A and classified for High Quality Waters—Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of .0004 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min	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	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6078.

The EPA Waiver is in effect.

Southcentral Regional Office

PA0026875, Sewage, SIC Code 4952, **Hanover Borough, York County**, 44 Frederick Street, Hanover, PA 17331-3501. Facility Name: Hanover Borough STP. This existing facility is located in Hanover Borough, **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), Plum Creek (WWF) and South Branch Conewago Creek (WWF), 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 5.6 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Inst Min 6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.28	XXX	0.93
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	934	1,401	XXX	20.0	30.0	40
May 1 - Oct 31	467	700	XXX	10.0	15.0	20
Biochemical Oxygen Demand (BOD ₅)	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
Total Suspended Solids	1,401	2,101	XXX	30.0	45.0	60
Total Suspended Solids	Report	Report	XXX	Report	XXX	XXX
Raw Sewage Influent		Daily Max				
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
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Effluent Net						
Ammonia-Nitrogen						
Nov 1 - Apr 30	140	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	70	XXX	XXX	1.5	XXX	3
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Phosphorus	93	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Effluent Net						
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					

The proposed effluent limits for Outfall 001 are based on a design flow of 5.6 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Cyanide, Free	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Lead, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Thallium, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

The proposed effluent limits for Outfall 002 are based on a design flow of 12 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
			Inst Min			
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.22	XXX	0.72
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	20.0	30.0	40
Total Suspended Solids	Report	Report	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Effluent Net						
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	3.0	XXX	6
May 1 - Oct 31	Report	XXX	XXX	1.5	XXX	3
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)	Total Mo					
Effluent Net						
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Cyanide, Free	Report	XXX	XXX	Report	XXX	XXX
Lead, Total	Report	XXX	XXX	Report	XXX	XXX
Thallium, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	Report	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is not in effect.

Southcentral Regional Office

PA0085511, Sewage, SIC Code 4952, **West Hanover Township Water & Sewer Authority**, 7901 Jonestown Road, Harrisburg, PA 17112-9728. Facility Name: West Hanover Township STP. This existing facility is located in West Hanover Township, **Dauphin County**.

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

The receiving stream(s), Unnamed Tributary of Manada Creek (WWF), is located in State Water Plan watershed 7-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 .78 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Daily Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	162	260	XXX	25.0	40.0	50
BOD ₅	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Total Suspended Solids	195	292	XXX	30.0	45.0	60
Total Suspended Solids	Report	Wkly Avg Report	XXX	Report	XXX	XXX
Raw Sewage Influent						
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Ammonia-Nitrogen						
Nov 1 - Apr 30	29	XXX	XXX	4.5	XXX	9
Ammonia-Nitrogen						
May 1 - Oct 31	10	XXX	XXX	1.5	XXX	3
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Total Phosphorus	13	XXX	XXX	2.0	XXX	4
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
(Total Load, lbs)	Total Mo					
Copper, Total	Report	XXX	XXX	Report	XXX	XXX
Lead, Total	Report	XXX	XXX	Report	XXX	XXX
Zinc, Total	1.55	XXX	XXX	0.24	XXX	0.25
E. Coli (No./100 ml)	XXX	XXX	XXX	XXX	XXX	Report

The proposed monitoring requirements and effluent limits for implementation of Pennsylvania's Chesapeake Bay Watershed Implementation Plan are as follows for Outfall 001.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>	
Total Nitrogen	XXX	14,246	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
Effluent Net		Annual				
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				
Total Phosphorus	XXX	1,900	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
Effluent Net		Annual				
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
(Total Load, lbs) (lbs)		Total				
		Annual				

*This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- The permittee is authorized to use 2,250 lbs/year as Total Nitrogen (TN) offsets toward compliance with the Annual Net TN mass load limitations (Cap Loads)

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

- Stormwater Prohibition, Approval Contingencies, Solids Management, Restriction on receipt of hauled in waste under certain conditions.

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

The EPA Waiver is not in effect.

Southeast Regional Office

PA0244945, Storm Water, SIC Code 3841, **DSM Biomed**, 735 Pennsylvania Drive, Exton, PA 19341-1130. Facility Name: Dsm Biomedical. This existing facility is located in East Whiteland Township, **Chester County**.

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

The receiving stream(s), Shamona Creek (HQ-TSF, MF), is located in State Water Plan watershed 3-H 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 and 002 are based are based on storm event.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	6.0 Inst Min	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX

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

Proposed Part C Conditions:

- I. Stormwater Outfalls and Authorized Non-Stormwater Discharges
- II. Best Management Practices (BMPs)
- III. Routine Inspections
- IV. Preparedness, Prevention, and Contingency (PPC) Plan
- V. Stormwater Monitoring Requirements
- VI. Other Requirements
 - A. Acquire Necessary Property Rights
 - B. Sludge Disposal Requirements
 - C. BAT/ELG Reopener
 - D. Small Stream Discharge
 - E. Remedial Measures if Public Nuisance

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.

Southeast Regional Office

PA0245411, Storm Water, SIC Code 4151, **George Krapf Jr & Sons Inc.**, 1030 Andrew Drive, West Chester, PA 19380-4291. Facility Name: George Krapf Jr & Sons. This proposed facility is located in West Brandywine Township, **Chester County**.

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

The receiving stream(s), Culbertson Run (HQ-TSF, MF), is located in State Water Plan watershed 3-H 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 Outfalls 001—003 are based on Storm events.

Parameters	Mass Units (lbs/day)		Instantaneous Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Daily Maximum	Maximum	
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	Report	Report	XXX	XXX
Oil and Grease	XXX	XXX	Report	XXX	XXX	XXX

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

Proposed Part C Conditions:

- Stormwater Outfalls and Authorized Non-Stormwater Discharges
- Best Management Practices (BMPs)
- Routine Inspections
- Preparedness, Prevention, and Contingency (PPC) Plan
- Stormwater Monitoring Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

Southwest Regional Office

PA0205338, Sewage, SIC Code 4952, **Ms. Alyssa Boyd**, 204 Brallier Drive, Ligonier, PA 15658-9268. Facility Name: Boyd Properties SRSTP. This existing facility is located in Ligonier Township, **Westmoreland County**.

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

The receiving stream(s), Unnamed Tributary to Loyalhanna Creek (CWF), is located in State Water Plan watershed 18-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report Avg Mo	XXX	Report

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

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		IMAX
	Average Monthly	Average Weekly		Annual Average	Maximum	
Flow (MGD)	0.0004	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	Annl Avg XXX	XXX	6.0 Inst Min	XXX	9.0 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

Southwest Regional Office

PA0284980, Sewage, SIC Code 8800, **Brett Toth**, 66 Station Street, Bulger, PA 15019-2017. Facility Name: Toth Properties SRSTP. This proposed facility is located in Smith Township, **Washington 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 Raccoon Creek (WWF), is located 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 0.0005 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>IMAX</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Annual Average</i>	<i>Maximum</i>	
Flow (GPD)	Report Annl Avg	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Inst Min XXX	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	200.0	XXX	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

III. Individual NPDES Permit Applications for Discharges of Stormwater Associated with Construction Activity.

<i>Application Number</i>	<i>Application Type</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAD150272	New	DP Whiteland, LLC Lapp Road Malvern, PA 19355	East Whiteland Township Chester County	SERO
PAD020062	New	SunCap Property Group LLC 5101 Carnegie Boulevard Suite 180 Charlotte, NC 28209	Stowe Township Allegheny County	SWRO
PAD630070	New	AI. Neyer LLC 11 Stanwix Street Suite 1050 Pittsburgh, PA 15222	Peters Township Washington County	SWRO
PAD630068	New	North Franklin Township Municipal Authority 345 Franklin Farms Road Washington, PA 15301	North Franklin Township Washington County	SWRO
PAD670071	Renewal	Hedgeford LLC Ness Road Red Lion, PA 17356	Windsor Borough York County	SCRO
PAD210073	Major Amendment	Smith Farm Partners LLC S Spring Garden St Carlisle, PA 17013	South Middleton Township Cumberland County	SCRO
PAD670024 A-1	Major Amendment	Jackson Township Sewer Authority 315 Hershey Road Spring Grove, PA 17362	Jackson Township York County	SCRO

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 (National Pollutant Discharge Elimination System) 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.

Individuals 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.

Individuals in need of accommodations should contact the SCC through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

**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>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Philip Hoover 2862 Harvest Road Elizabethtown, PA 17022	Lancaster County	51.1	367.64	Broilers	NA	Renewal
Michael Long Sr. 2116 Yordys Bridge Road Annville, PA 17003	Lebanon County	422.6	858.07	Broiler/ Swine	NA	Renewal
Andrew Reiff 8245 Buffalo Road Mifflinburg, PA 17844	Union County	53	750.77	Swine	NA	Renewal
David Weaver 740 Marion Drive Womelsdorf, PA 19567	Berks County	228.2	335.98	Poultry	NA	Renewal
Cory Gress 792 Lick Hollow Road Harrisonville, PA 17228	Fulton County	231.2	872.04	Finishing Swine	NA	Renewal

PUBLIC WATER SUPPLY PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17), the following parties have applied for Public Water Supply (PWS) permits to construct or substantially modify public water systems.

Individuals 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 Environmental Protection (DEP) 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, DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

SAFE DRINKING WATER

Application(s) Received Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northwest Region: Safe Drinking Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Pam Yoder, Clerical Assistant, 814-332-6899.

Application No. 2022504, Construction, Public Water Supply.

Applicant	Cochranton Borough
Address	109 East Adams Street Cochranton, PA 16314
Municipality	Cochranton Borough
County	Crawford County
Responsible Official	Susan Armburger Borough Manager
Consulting Engineer	Steven R. Halmi, P.E. Deiss & Halmi Engineering, Inc. 105 Meadville Street Edinboro, PA 16412
Application Received	September 19, 2022
Description	Sequestering System for Manganese and Bulk Water Loading Station.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Joseph M. Mattucci, Program Manager, 717.705.4708.

Application No. 3622521, Construction, Public Water Supply.

Applicant **Magic Chef MHP**
 Address 1977 Sheaffer Road
 Elizabethtown, PA 17022
 Municipality Mount Joy Township
 County **Lancaster County**
 Responsible Official Paul Schwanger
 Owner
 Consulting Engineer Charles Kehew, II, P.E.
 James R. Holley &
 Associates, Inc.
 18 South George Street
 Suite 300
 York, PA 17401
 Application Received May 31, 2022
 Description Application proposing an updated 4-log virus inactivation contact tanks to provide 20 minutes of effective chlorine contact time.

Contact: Thomas Filip, Environmental Engineer, 717-705-4708.

Application No. 3822507, Construction, Public Water Supply.

Applicant **Snitz Creek Brewery**
 Address 1805 North State Route 934
 Annville, PA 17003
 Municipality East Hanover Township
 County **Lebanon County**
 Responsible Official Matthew Funck
 Consulting Engineer Skelly and Loy, Inc.
 449 Eisenhower Boulevard
 Suite 300
 Harrisburg, PA 17111
 Application Received August 9, 2022
 Description New water treatment system for an existing site. This includes a new well with treatment for hardness, iron & manganese removal, turbidity reduction and sodium hypochlorite disinfection with GWR 4-log.

Application No. 3822506, Construction, Public Water Supply.

Applicant **Wellspan Philhaven**
 Address 283 South Butler Road
 Mt. Gretna, PA 17064
 Municipality West Cornwall Township
 County **Lebanon County**
 Responsible Official Tammy A. Petrasic

Consulting Engineer James R. Holley &
 Associates, Inc.
 18 South George Street
 Suite 300
 York, PA 17401

Application Received August 3, 2022
 Description Installation of pH adjustment along with the existing phosphate injection for LCR corrosion control.

Application No. 0122510, Construction, Public Water Supply.

Applicant **Dollar General Brush Run, DPP, LLC**
 Address 9010 Overlook Boulevard
 Brentwood, TN 37027
 Municipality Mount Pleasant Township
 County **Adams County**
 Responsible Official Geren Moor
 Consulting Engineer RHS Engineering, Inc.
 2909 Conococheague Lane
 Greencastle, PA 17225
 Application Received September 9, 2022
 Description Installation a new water system including a new well, cartridge filtration and sodium hypochlorite disinfection with GWR 4-Log.

Application No. 2222516, Construction, Public Water Supply.

Applicant **GLP Capital LP**
 Address P.O. Box 32
 Grantville, PA 17028-0032
 Municipality East Hanover Township
 County **Dauphin County**
 Responsible Official Bruce Cameron
 Consulting Engineer Steckbeck Engineering &
 Surveying, Inc.
 279 N Zinns Mill Road
 Lebanon, PA 17042
 Application Received July 28, 2022
 Description Installation of iron & manganese removal treatment at Penn National.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epsdsw@pa.gov.

Application No. 2622506, Construction, Public Water Supply.

Applicant **The Municipal Authority of the Borough of Belle Vernon**
 Address 10 Main Street
 Belle Vernon, PA 15012
 Municipality Belle Vernon Borough
 County **Fayette County**
 Responsible Official Guy Kruppa

Consulting Engineer KLH Engineers, Inc.
 5173 Campbell's Run Road
 Pittsburgh, PA 15205

Application Received August 22, 2022

Description Interconnect with Washington
 Township

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

Acknowledgment of Notice(s) of Intent to Remediate Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (DEP) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent (NOI) to Remediate. An acknowledgment of the receipt of a NOI to Remediate is used to identify a site where an individual proposes to, or has been required to, respond to a release of a regulated substance at a site. Individuals intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a NOI to Remediate with DEP. A NOI to Remediate filed with DEP 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. An individual who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by DEP. Furthermore, an individual shall not be subject to citizen suits or other contribution actions brought by responsible individuals 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 NOI to Remediate is published in a newspaper of general circulation in the area of the site. For the following identified site(s), 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 following specified date. During this comment period the municipality may request that the following identified individual, 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 plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following Notice(s) of Intent to Remediate.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

112 Frog Hollow Road, Primary Facility ID # **859831**, 112 Frog Hollow Road, Hawley, PA 18428, Blooming Grove Township, **Pike County**. Bluestone Environmental, 196 Beach Lake Highway, Honesdale, PA 18431 on behalf of Blooming Grove Hunting and Fishing Club, 123 Old Field Road, Hawley, PA 18428, submitted a Notice of Intent to Remediate. Soil was contaminated by a release of heating oil from an underground storage tank. The Notice of Intent to Remediate was published in *The Tri-County Independent* on September 10, 2022. Application received: September 19, 2022.

WC 67 East Lateral Pipeline, Primary Facility ID # **834569**, 19877 State Route 92, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801 on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Notice of Intent to Remediate. Soil and groundwater were contaminated by a release of production fluid (brine). The Notice of Intent to Remediate was published in *The Susquehanna County Independent* on February 5, 2020. Application received: September 19, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

Spray Products Corporation, Primary Facility ID # **618665**, 1323 Conshohocken Road, Plymouth Meeting, PA 19428, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Patrick Morton, Spray Products Corporation, 1323 Conshohocken, Plymouth Meeting, PA 19462, submitted a Notice of Intent to Remediate. Soil and groundwater at the site have been impacted with VOCs. The proposed future use of the property will remain industrial manufacturing. The Notice of Intent to Remediate was published in *MediaNews Group* on July 30, 2022. Application received: August 4, 2022.

2029-2059 York Road, Primary Facility ID # **850612**, 2029-2059 York Road, Jamison, PA 18929, Warwick Township, **Bucks County**. Kevin Davis, Pennoni Associates, Inc., 1900 Market Street, Suite 300, Philadelphia, PA 19103 on behalf of Paul Aschkenasy and Daniel Bleznak, York Road-Bladco LP, 715 Montgomery Avenue, Suite 3, Narberth, PA 19072, submitted a Notice of Intent to Remediate. The metals lead and arsenic and the pesticide dieldrin were reported in soil and groundwater. The intended future use of the property is residential. The Notice of Intent to Remediate was published in *Bucks County Courier Times* on June 1, 2022. Application received: September 22, 2022.

Ambler Lakeview Development, Primary Facility ID # **860227**, 5-9 West Maple Street, Ambler, PA 19002, Borough of Ambler/Upper Dublin Township, **Montgomery County**. Walter H. Hungarter, III, PE, RT Environmental Services, Inc., 215 West Church Road, King of

Prussia, PA 19406 on behalf of John Zaharchuk, Ambler Lakeview, LP, 210 South Maple Avenue, Ambler, PA 19002, submitted a Notice of Intent to Remediate. Soil at the site has been contaminated with arsenic and thallium. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *Ambler Gazette* on June 26, 2022. Application received: August 2, 2022.

HAZARDOUS WASTE TRANSPORTER LICENSE

Application(s) Received Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Pioneer Tank Lines, Inc., 12501 Hudson Road S, Afton, MN 55001. **License No. PA-AH 0600.** Accepted: September 12, 2022.

Brook Ledge, Inc., P.O. Box 56, Oley, PA 19547. **License No. PA-AH 0855.** Accepted: September 15, 2022.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Application(s) 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 License.

Renewal Applications Received

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Med-Flex, Inc., P.O. Box 357, Hainesport, NJ 08036. **License No. PA-HC 0207.** Accepted: September 6, 2022.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (DEP) 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 DEP, 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 DEP received applications for Plan Approvals or Operating Permits from the following facilities. Copies of the application, DEP'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 DEP Regional Office.

Appointments for scheduling a review must be made by calling the appropriate DEP Regional Office. The address and telephone number of the Regional Office is listed before the application notices.

Individuals 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 DEP'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.

Any individual wishing to request a hearing may do so during the 30-day comment period. A public hearing may be held, if DEP, 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 DEP determines this type of notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

PLAN APPROVALS

Application(s) Received for Plan Approval(s) Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B That May Have Special Public Interest. These Plan Approval Applications are in Review and No Decision on Disposition Has Been Reached.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Dave Balog, New Source Review Chief, (814) 332-6328.

03-00274A: Sugar Creek Cremations LLC, 1520 State Route 268, Cowansville, PA 16028, Sugar Creek Township, **Armstrong County**. Application received: September 1, 2022.

The Department has received an application for the construction and initial operation of a human crematory at their facility.

Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief, (814) 332-6940.

43-00011G: Greenville Metals, Inc., 850 Crestview Drive, Transfer, PA 16154, Pymatuning Township, **Mercer County.** Application received: July 19, 2022.

The Department intends to authorize the installation of a shot blast unit and four (4) baghouses at their facility. This is a Title V facility.

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 43-011G to Mersen USA for the installation of a shot blast unit and four (4) baghouses at their facility in Pymatuning 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. 43-011G is for the installation of a shot blast unit and associated baghouse for the replacement of existing shot blast unit and baghouse (Source ID 602), and installation of three (3) additional replacement baghouse(s) for control of particulate emissions from existing crushing/grinding/screening, blending, and material handling operations. Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source(s) will not exceed 1.97 tons of particulate matter per year.

The Plan Approval will contain testing, 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. 43-00011G 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.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-05007F: Adhesives Research Inc., 400 Seaks Run Road, Glen Rock, PA 17327, Springfield Township, **York County.** Application received: June 10, 2022.

For the installation of a new coating line, drying oven and regenerative thermal oxidizer (RTO) at the facility. The coating line will apply adhesives to substrates which are then dried in a 15 mmBtu/hr natural gas oven. VOC emissions from the coating line will be captured and controlled by a 5.2 mmBtu/hr natural gas fired RTO. The expected potential emissions from this project are as follows: 1.47 tpy PM₁₀, 11.38 tpy VOC, 10.35 tpy HAPs, 23.79 tpy NO_x, 0.07 tpy SO_x, and 15.76 tpy CO. The Department of Environmental Protection's (DEP's) review of the information submitted by the company indicates that the air contamination sources will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, DEP proposes to issue a plan approval for the proposed installation. The facility is a State Only facility. If DEP 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 will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-03188A: Earthcare LLC, 3311 East Powell Avenue, Evansville, IN 47714, Bethel Township, **Berks County.** Application received: February 18, 2022.

For the installation and operation of a facility to dry and gasify biomass to produce a syngas and Ecochar. The facility will dry and gasify biomass, including poultry manure/litter, spent hens, and municipal wastewater treatment plant (WWTP) biosolids, to produce a syngas, which will be used in the process, and Ecochar, a material used as a soil amendment. The facility will employ two gasification lines that will each be controlled by a cyclone, wet venturi scrubber, a packed bed scrubber and a common biofilter. Potential emissions from the project are estimated to be: 47.7 tpy CO, 17.5 tpy NO_x, 37.5 tpy PM (filterable), 39.4 tpy PM₁₀/PM_{2.5} (filterable & condensable), 19.1 tpy SO_x, 16.0 tpy VOC, 3.6 tpy of a single HAP (HCl), and 4.3 tpy of combined HAPs. DEP's review of the information submitted by the applicant indicates that the air contamination sources 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 requirement (BAT) of 25 Pa. Code §§ 123.13, 123.21, 127.1 and 127.12 and 40 CFR 61, Subpart E—National Emission Standard for Mercury. 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 ap-

proval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into an operating permit pursuant to the provisions of 25 Pa. Code Chapter 127..

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

11-00541A: Cleveland Brothers Equipment Company Inc., 4565 William Penn Hwy, Murrysville, PA 15668, Cambria Township, **Cambria County**. Application received: May 14, 2022.

For the modification of plan approval 11-00541A for the facility located at 100 Commerce Drive, Ebensburg, PA (15931-4122). The subject of this modification is for the use of solvent based paints and rebuilding up to twenty (20) rich burn engines per year. This facility rebuilds natural gas fired spark-ignition reciprocating engines. This is a State Only facility for permitting purposes. The public notice is required for sources required to obtain a plan approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into a State Only operating permit at a later date.

Permitted air contamination sources include natural gas combustion units/heaters, an 8,000 bhp engine test cell, a 4,500 bhp engine test cell, surface coating operations, an arc spray thermal spray system, natural gas fueled cleaning units and a 500-kw emergency generator. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will emit approximately 8.6 tons per year (tpy) of carbon monoxide (CO), 4.24 tpy of nitrogen oxides (NO_x), 0.5 tpy of particulate matter (PM₁₀), 4.6 tpy of volatile organic compounds (VOC) and 0.01 tpy of sulfur oxides (SO_x).

The facility is subject to the applicable requirements of 25 Pa. Code Article III, Chapters 121—145.

The plan approval includes emission restrictions, as well as testing, monitoring, recordkeeping, reporting, work practice and additional requirements, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the sources.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP Air Quality Office. Appointments for scheduling a review must be made by calling the DEP at (814) 332- 6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval for 11-00541A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335, phone number (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the previously listed public notice process, the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in §§ 127.421 to 127.431 for State Only Operating Permits or §§ 127.521 to 127.524 for Title V operating permits.

56-00323A: Rockwood Manufacturing Company, 258 Beacon Street, Somerset, PA 15501, Somerset Borough, **Somerset County**. Application received: November 23, 2021.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Air Quality Plan Approval 56-00323A to allow the installation and temporary operation of an aluminum anodizing line comprised of five (5) 2,513 gallon process vessels, four (4) 3,111 gallon process vessels, and one (1) 2,513 gallon process vessel routed to a 44,000 cfm vertical wet packed scrubber equipped with mist eliminators. The line is also comprised of one (1) 2,752-gallon process vessel and one (1) 2,585-gallon process vessel routed to a 18,000 cfm vertical wet packed scrubber. Finally, the line also includes one (1) 6.3 MMBtu/hr natural gas-fired boiler.

The proposed project and facility-wide potential to emit will not equal or exceed 3.0 tons of nitrogen oxides (NO_x), 3.0 tons of carbon monoxide (CO), 1.0 ton of particulate matter (PM₁₀), 1.0 ton of particulate matter (PM_{2.5}), 1.0 ton of sulfur dioxide (SO₂), 1.0 ton of volatile organic compounds (VOC), or 1.0 ton of total hazardous air pollutants (HAPs).

As previously described, the previously-referenced process vessels will be controlled by 44,000 cfm and 18,000 cfm vertical wet packed scrubbers equipped with mist eliminators. All new sources were evaluated for compliance with best available technology (BAT) requirements.

The authorization is subject to State as well as Federal National Emission Standards. This Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emissions restrictions, operational restrictions, testing, monitoring, recordkeeping, reporting, and work practice requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit application in accordance with 25 Pa. Code Subchapter F.

The Plan Approval Application, the Department's Air Quality Review Memorandum, the proposed Air Quality Plan Approval, and other relevant information for this project are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Plan Approval 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 Plan Approval for this project, a person may contact the Department at 412-442-4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Laura Dickson, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; ldickson@pa.gov; or fax 412.442.4194. 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 Plan Approval for PA-56-00323A and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Laura S. Dickson, Environmental Engineer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222 or by email to ldickson@pa.gov. All comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

Notice of Intent to Issue Title V Operating Permit(s) 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 17110-8200, 717-705-4700.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

06-05002, Lehigh Cement Company, LLC, 537 Evansville Road, Fleetwood, PA 19522-8541, Maiden Creek Township, **Berks County**. Application received: June 30, 2022.

For Lehigh's Evansville Cement Plant and Quarry. The Title V Operating Permit is undergoing a significant modification to incorporate the requirements and emission limits specified in the Consent Decree for United States v. Lehigh Cement Co., No. 5:19-cv-05688, (E.D. Pa. Nov. 18, 2020). Requirements include, but are not limited to, NO_x and SO₂ emission limits and Continuous Emissions Monitoring System (CEMS) monitoring, recordkeeping, and reporting requirements.

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

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

19-00006, Big Heart Pet Brands, Inc., 6670 Low Street, Bloomsburg, PA 17815, South Centre Township, **Columbia County**. Application received: April 27, 2022.

For the proposed renewal of the State Only operating permit for the Bloomsburg facility. The facility's sources include two (2) natural gas-fired boilers, two (2) No. 2 fuel oil/natural gas-fired boilers, seven (7) natural gas-fired heaters, three (3) parts washers, meat scrap storage, wastewater treatment operation, three (3) storage tanks, bulk material handling system, gravy mixing operation, "A" & "C" line meat mixers, four (4) natural gas-fired dryer lines and three (3) diesel-fired emergency engines. This facility has the potential to emit 64.36 tons of carbon monoxide, 72.67 tons of nitrogen oxides, 31.57 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 1.31 tons of sulfur oxides, 6.27 tons of volatile organic compounds, 1.32 tons of hazardous air pollutants, and 70,197 tons of CO₂e. The emission limits, throughput limitations and work practice standards along with testing, monitoring, recordkeeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable state air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-3636.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: 570-826-2409.

45-00031, Ardent Mills LLC/Mt Pocono, 1875 Lawrence St, Ste. 1400, Denver, PA 80202, Pocono Township, **Monroe County**. Application received: May 3, 2022.

The Department intends to issue a State-Only (Synthetic) Minor Permit for the manufacturing of flour and other grain mill products facility in Pocono Township, Monroe County. The sources at this facility consist of wheat receiving, transferring, screening, and loading. The control devices consist of baghouses, cleaning houses, and purifiers. 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 proposed operating 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.

48-00022, Ardent Mills LLC/Martins Creek Flour Mill, 4888 S Delaware Dr., Martins Creek, PA 18063, Lower Mount Bethel Township, **Northampton County**. Application received: May 10, 2022.

The Department intends to issue a State-Only (Synthetic) Minor Permit for the manufacturing of flour and other grain mill products facility in Lower Mount Bethel Township, Northampton County. The sources at this facility consist of wheat receiving and handling, and

loading. The control devices consist of elevator and cleaning houses. 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 proposed operating 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.

48-00023, Ardent Mills LLC/Martins Creek Grain Elevator, 4888 S Delaware Dr., Martins Creek, PA 18063, Lower Mount Bethel Township, **Northampton County**. Application received: May 10, 2022.

The Department intends to issue a State-Only (Synthetic) Minor Permit for the manufacturing of flour and other grain mill products facility in Lower Mount Bethel Township, Northampton County. The sources at this facility consist of wheat receiving and handling, cleaning, and Flour Mill. 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 proposed operating 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Matthew Williams, Facilities Permitting Chief, (814) 332-6940.

62-00184, Allegheny Aggregate, Inc., Pittsfield, 34175 Route 6, P.O. Box 38, Pittsfield, PA 16340, Pittsfield Township, **Warren County**. Application received: January 18, 2022.

The Department is providing notice that they intend to issue a new State Only Operating Permit for the sand and gravel processing plant. The facility consists of the mineral processing plant (crushers, conveyors, screening, roadways), and a 170-bhp diesel engine that powers the backup processing plant. The potential emissions of the primary pollutants from the facility are as follows: PM₁₀: 19.94 TPY, PM_{2.5}: 0.915 TPY, NO_x: 6.60 TPY, SO_x: 0.436 TPY, VOC: 0.535 TPY, and CO: 1.422 TPY; thus, the facility is a natural minor. The engine is subject to 40 CFR Part 63, Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The processing facility is subject to 40 CFR 60 Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants, as well as General Permit GP3 conditions. The 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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

09-00211, Pennridge School District, 1303 North 5th Street, Perkasio, PA 18944, East Rockhill Township, **Bucks County**. Application received: June 21, 2021.

For the renewal of a Synthetic Minor Operating Permit for the operation of five (5) boilers and three (3) emergency generators. The main emissions from this facility are Nitrogen Oxides (NO_x) produced by the consumption of fuels. The renewal will include monitoring, recordkeeping and reporting requirements designed to keep the

facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

46-00040, Lux Global Label Co LLC, 2025 Joshua Road, Lafayette Hill, PA 19444-2431, Whitemarsh Township, **Montgomery County**. Application received: September 20, 2022.

For the renewal of a non-Title V, Synthetic Minor Operating Permit. The facility's emission points include one solvent-based gravure press, with the air emissions routed through a permanent total enclosure to the RTO; one lithographic press which vents to the outdoor atmosphere for the purpose of heat removal; one solvent-based rotogravure press with air emissions routed through a permanent total enclosure to the RTO; and ten UV presses, consisting of a combination of offset, flexographic, rotary screen, and/or rotogravure stations. Plan approval 46-0040D to re-route the VOC exhaust of existing solvent-based rotogravure printing stations from directly to the outdoor atmosphere to an existing regenerative thermal oxidizer was incorporated into this permit. An inoperable emergency generator and five (5) parts cleaners were removed through this renewal of the Synthetic Minor Operating Permit. Four (4) new parts cleaners that use exempt solvents were added to the facility to replace the parts cleaners using non-exempt solvents. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. Anyone wishing to request information regarding this action can do so by contacting the Southeast Regional Office through the contact person listed in the previously listed header. Comments on the draft permit can be submitted through the Air Quality resource account at RA-EPSEROAQPUBCOM@pa.gov.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00650, Reaxis Inc., 941 Robinson Highway, McDonald, PA 15057, Robinson Township, **Washington County**. Application received: March 3, 2022.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) renewal to Reaxis Inc.

The company manufactures inorganic tin compounds at this site. Equipment at this facility includes two 3,200-gallon reactors, a boiler rated at 14.645 MMBtu/hr., evaporators, storage tanks, a 755 bhp diesel fired emergency generator and other miscellaneous sources associated with this type of operation. The primary pollutant of concern from this facility is HCl emissions. The actual HCl emissions from this facility after the control is 0.26 ton per year. Estimated potential emissions from this facility are: 0.61 ton per year of PM₁₀, 6.86 tons per year of NO_x, 16.28 tons per year of CO, 0.48 ton per year of VOCs and 0.73 ton per year of HAPs. 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, 40 CFR Part 63 Subpart ZZZZ, 40 CFR Part 60, Subpart IIII and 40 CFR Part 60 Subpart Dc.

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 (63-00650) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

The application, DEP's Review Memorandum, and the proposed permit are available for public review during normal business hours at DEP's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A file review can be scheduled through the DEP's website at <https://www.dep.pa.gov/Citizens/PublicRecords/Pages/Informal-File-Review.aspx> or by contacting Tom Joseph, Facilities Permitting Chief, directly.

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

PLAN APPROVALS

Receipt of Plan Approval Application(s) and Notice of Intent to Issue Plan Approval(s) and Notice of Intent to Issue or Amend Operating Permit(s) 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 18701-1915, 570-826-2511.

Contact: Shailesh Patel, Air Quality Engineer, 570-826-2341.

48-00022C, Ardent Mills, LLC, 4888 S Delaware Drive, Martins Creek, PA 18063, Lower Mount Bethel Township, **Northampton County**. Application received: September 14, 2022.

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 Ardent Mills, LLC. This Plan Approval No. 48-00022C will be incorporated into a State Only Operating Permit through an administrative amendment at a later date. Plan Approval No. 48-00022C is for the installation and operation of three new bin vent filters at the facility to control particulate form the existing bins 5 and 6 and from a new organic feed bin. New bin vent filters on bin 5 & 6 will replace existing bin vent filter (C02D). This project will not bottleneck the existing facility equipment and no production increases anticipated. Proposed new bin vent filters will collect 99.9% of particulate emissions before discharging into atmosphere. Estimated particulate emissions will be less than 0.02 grains/dscf from each bin vent. The use of bin vent filters capable of removing 99.9% of emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional

recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00022C 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 Engineer Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, phone number 570-826-2511 within 30 days after publication date.

COAL & NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21).

Mining activity permits issued in response to such applications are also subject to applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (DEP). A copy of the application is available for inspection at the District Mining Office indicated above each application. Requests for 401 Water Quality Certifications are included in individual application only if noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or Local Government Agency or Authority to DEP at the address of the District Mining Office indicated above each application within 30-days of this publication, or within 30-days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public

notices of filing of permit applications, opportunity for comment, and informal conferences). Such comments or objections should contain the name, address and phone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform DEP on the basis of comment or objection and relevant facts upon which it is based.

In addition, requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 (relating to public hearing-informal conferences) or § 86.34 (relating to informal conferences), must also contain a brief summary of the issues to be raised by the requestor at the conference and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

Where a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application is associated with an application for an NPDES permit. A separate notice will be provided for the draft NPDES permit.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Applications

Effluent Limits—The following range of effluent limits (Table 1) will apply to NPDES permits issued in conjunction with the associated coal mining activity permit. Additional effluent limits will be listed as part of the publication of the draft NPDES permit.

Table 1

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Aluminum (Total)	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l

pH must always be greater than 6.0; less than 9.0.
Alkalinity must always be greater than acidity.

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

Contact: Bonnie Herbert, Clerical Assistant 3, 724.769.1100.

Mining Permit No. 30121301. NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, 275 Technology Drive, Suite 101, Canonsburg, PA 15317, Center Township and Richhill Township, **Greene County**. To revise the permit and related NPDES permit for the installation of an airshaft and two (2) new NPDES discharge points, affecting 44.3 proposed surface acres. Receiving stream(s): Unnamed Tributaries to Grays Fork, classified for the following use: HQ-WWF. Application received: July 6, 2022. Accepted: September 7, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 17170101. Swisher Contracting, Inc., P.O. Box 1223, Clearfield, PA 16830, Lawrence Township, **Clearfield County**. Permit renewal application for a bituminous surface coal mine permit affecting 8.0 acres. The renewal is for reclamation only. Receiving stream(s): Unnamed Tributary to Wolf Run and Unnamed Tributary to Lick Run classified for the following use(s): CWF, MF & HQ-CWF, MF. Application received: September 13, 2022. Accepted: September 14, 2022.

Mining Permit No. 17140101. NPDES No. PA0269701. RES Coal LLC, 51 Airport Road, Clearfield, PA 16830, Bradford Township, **Clearfield County**. Permit renewal application for a bituminous surface coal mine and associated NPDES permit affecting 261.7 acres. Receiving stream(s): Unnamed tributaries to West Branch Susquehanna River classified for the following use(s): CWF. Application received: September 12, 2022. Accepted: September 19, 2022.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500 or RA-EPNEWSTANTON@pa.gov.

Mining Permit No. 03050103. NPDES No. 0250961. Original Fuels, Inc., P.O. Box 343, Punxsutawney, PA 15767, Madison Township, **Armstrong County**. Renewal application received for continued treatment to an existing bituminous mine site and associated NPDES permit, affecting 163.5 acres. Receiving streams: unnamed tributary to Allegheny River and Allegheny River, classified for the following use: WWF. Application received: September 16, 2022.

Noncoal Applications

Effluent Limits—The following Table 2 effluent limits apply to NPDES permits issued in conjunction with a noncoal mining permit. Additional effluent limits will be listed as part of the publication of the draft NPDES 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 must always exceed acidity.
pH must always be greater than 6.0; less than 9.0.

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 37960301. Hanson Aggregates Pennsylvania, LLC, 2200 Springfield Pike, Connellsville, PA 15425, North Beaver Township and Mahoning Township, **Lawrence County**. Revision to an existing bituminous surface mine to add incidental coal extraction. Application received: September 20, 2022.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

Mining Permit No. 41222801. Kremser Associates, LLC, 1300 Jordan Avenue, Montoursville, PA 17754, Muncy Township, **Lycoming County**. New permit application for a small noncoal (industrial minerals) operation affecting 5.0 acres. Receiving stream(s): UNT to Dry Run classified for the following use(s): WWF. Application received: September 15, 2022. Accepted: September 19, 2022.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed National Pollutant Discharge Elimination System (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 (DEP) 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	90mg/l
pH must always be greater than 6.0; less than 9.0.			
Alkalinity must always be greater than acidity.			

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 § 77.522 are pH 6 to 9 and other parameters DEP 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.

Coal NPDES Draft Permits

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

NPDES No. PA0259675. Mining Permit No. 10150101. Ben Hal Mining, Inc., 389 Irishtown Road, Grove City, PA 16127, Marion Township, **Butler County**. Renewal of NPDES permit. Application received: July 10, 2022.

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 treated wastewater outfalls discharge to unnamed tributary to Blacks Creek.

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate: MGD</i>
001	Existing	SWO	0.358

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

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

¹The parameter is applicable at all times.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

Contact: Cassie Stanton, Clerical Assistant 2, 814-342-8200.

NPDES No. PA0008966. Mining Permit No. 14831301 & 14743701. Pennsylvania Mines, LLC, 600 Hamilton Street, Allentown, PA 18101, Rush Township, **Centre County**. Application received: March 30, 2022. Accepted: April 5, 2022.

Renewal of an NPDES permit for discharge of water resulting from postmining treatment of coal mine drainage affecting 121.1 acres. Renewed NPDES No. PA0008966 will also supersede NPDES Permit No. PA0600156. Renewed NPDES No. PA0008966 will cover both Mining Permit Nos. 14831301 & 14743701. Receiving stream(s): unnamed tributaries to/and Moshannon Creek, classified for the following use(s): TSF. This receiving stream is included in the Moshannon Creek TMDL.

The following outfalls discharge to unnamed tributaries to/and Moshannon Creek:

<i>Outfall No.</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	Settling Basin 2	Continuous (0.29 MGD)
003	Existing	Fresh Water Dam	Precipitation Induced
004	Existing	Sediment Basin 2	Precipitation Induced (Inactive)
005	Existing	Settling Basin 7 and 8	Continuous (6.5 MGD)
006	Existing*	Main Sediment Basin	Continuous (Inactive)

*Outfall 006 was formerly Outfall 001 on NPDES Permit No. PA0600156

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

<i>Outfalls: 001 and 003—005 (All Discharges)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

<i>Outfalls: 006 (All Discharges)</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/L)	1.5	3.0	3.7
Manganese (mg/L)	1.0	2.0	2.5
Aluminum (mg/L)	0.75	0.75	0.75
Total Suspended Solids (mg/L)	35.0	70.0	90.0
Sulfate (mg/L)		Report	
Flow (gpm)		Report	
Temperature (°C)		Report	
Specific Conductivity (µmhos/cm)		Report	
Bromide (mg/L)		Report	
Total Dissolved Solids (mg/L)		Report	
Chloride (mg/L)		Report	

pH (S.U.): Must be between 6.0 and 10.0 standard units at all times.

Alkalinity must exceed acidity at all times.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500 or RA-EPNEWSTANTON@pa.gov.

NPDES No. PA0202801. Mining Permit No. 26000201. Carbon Fuel Resources, Inc., 4325 State Route 51, Rostraver Township, PA 15012, German Township, **Fayette County**.

Renewal of an NPDES permit for continued mining. Receiving streams: Browns Run and Monongahela River, classified for the following use: WWF. Application received: May 10, 2021.

The following treated wastewater outfall discharges to Browns Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate [MGD]</i>
003	Existing	TFO	2.49

The proposed effluent limits for Outfall 003 is as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Total Suspended Solids (mg/L)		35	70	90
Osmotic Pressure (mOsm/kg)		50	50	50
pH (S.U.)	6.0			9.0
Total Alkalinity (mg/L)				Report
Total Acidity (mg/L)				Report
Total Net Alkalinity (mg/L)	0.0			
Flow (gpm)				Report
Sulfate (mg/L)				Report
Specific Conductivity (µmhos/cm)				Report
Temperature (°C)				Report

The following treated wastewater outfall discharges to Monongahela River:

<i>Outfall Number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge Rate [MGD]</i>
004	Existing	TFO	2.49

The proposed effluent limits for Outfall 004 is as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)		1.5	3.0	3.7
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Total Suspended Solids (mg/L)		35	70	90
Osmotic Pressure (mOsm/kg)		50	50	50
pH (S.U.)	6.0			9.0
Total Alkalinity (mg/L)				Report
Total Acidity (mg/L)				Report
Total Net Alkalinity (mg/L)	0.0			
Flow (gpm)				Report
Sulfate (mg/L)				Report
Specific Conductivity (µmhos/cm)				Report
Temperature (°C)				Report

The following treated stormwater outfall discharges to Browns Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate [MGD]</i>
001	Existing	SWO	10.93

The proposed effluent limits for Outfall 001 is as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)		1.5	3.0	3.7
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Total Suspended Solids (mg/L)		35	70	90
Osmotic Pressure (mOsm/kg)		50	50	50
pH (S.U.)	6.0			9.0
Total Alkalinity (mg/L)				Report
Total Acidity (mg/L)				Report
Total Net Alkalinity (mg/L)	0.0			
Flow (gpm)				Report
Sulfate (mg/L)				Report
Specific Conductivity (µmhos/cm)				Report
Temperature (°C)				Report

The following treated stormwater outfall discharges to Monongahela River:

<i>Outfall Number</i>	<i>New or existing</i>	<i>Type</i>	<i>Discharge Rate [MGD]</i>
005	Existing	SWO	10.93

The proposed effluent limits for Outfall 005 is as follows:

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Iron (mg/L)		3.0	6.0	7.0
Total Manganese (mg/L)		2.0	4.0	5.0
Total Aluminum (mg/L)		0.75	0.75	0.75
Total Suspended Solids (mg/L)		35	70	90
Osmotic Pressure (mOsm/kg)		50	50	50
pH (S.U.)	6.0			9.0
Total Alkalinity (mg/L)				Report
Total Acidity (mg/L)				Report
Total Net Alkalinity (mg/L)	0.0			
Flow (gpm)				Report
Sulfate (mg/L)				Report
Specific Conductivity (µmhos/cm)				Report
Temperature (°C)				Report

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-epcambria@pa.gov.

NPDES No. PA0592722. Mining Permit No. 7573SM1. New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, Dickinson Township, **Cumberland County.**

Renewal of an NPDES permit. Affecting 256.1 acres. Receiving stream: Mountain Creek classified for the following use: CWF. Application received: August 3, 2022.

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

The following treated wastewater outfalls discharge to Mountain Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
005	Existing	TFO	0.03 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	XXX	XXX	6.0
TSS (mg/l)	XXX	35.0	70.0	90.0
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductivity (µmhos/cm)	XXX	XXX	XXX	Report

The following stormwater outfalls discharge to Mountain Creek:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	SWO	0.008 MGD
002	Existing	SWO	0.018 MGD
003	Existing	SWO	

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

<i>Outfalls 001—003 (Dry Weather Discharges)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	XXX	XXX	6.0
TSS (mg/l)	XXX	35.0	70.0	90.0
Flow (gpm)	XXX	XXX	XXX	Report
Temperature (°C)	XXX	XXX	XXX	Report
Specific Conductivity (µmhos/cm)	XXX	XXX	XXX	Report
<i>Outfalls 001—003 (≤10-yr/24-hr Precip. Event)</i>				
<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Settleable Solids (ml/L)	XXX	XXX	XXX	0.5
pH (S.U.)	6.0	XXX	XXX	9.0
Flow (gpm)	XXX	XXX	XXX	Report

Outfalls 001—003 (>10-yr/24-hr Precip. Event)
Parameter (unit)

	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH (S.U.)	6.0	XXX	XXX	9.0

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

Contact: RA-EPPottsvilleDMO@pa.gov.

NPDES Permit No. PA0224600. Mining Permit No. 67070301. Glen-Gery Corporation, P.O. Box 7001, Reading, PA 19601, Dover Township, **York County**. Application received: July 15, 2022.

Renew NPDES Permit in Dover Township, York County, affecting 70.6 acres. Receiving stream: unnamed tributary to Fox Run, classified for the following use: TSF. Application received: July 15, 2022.

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

The following treated wastewater outfalls discharge to unnamed tributary to Fox Run:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001	Existing	TFO	1.22 MGD
002	Existing	TFO	1.32 MGD

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

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
pH	6.0			9.0
Total Suspended Solids (mg/L)		35.0	70.0	90.0
Acidity, Total (mg/L)				Report
Alkalinity, Total (mg/L)				Report
Net Alkalinity (mg/L)	0.0			

NPDES Permit No. PA0224898. Mining Permit No. 06100301. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, Ontelaunee Township, **Berks County**. Application received: May 26, 2020.

Renewal of an NPDES permit in Ontelaunee Township, Berks County, affecting 377.6 acres. Receiving streams: Maiden Creek and Schuylkill River, classified for the following uses: WWF, MF. Application received: May 26, 2020.

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

The following treated wastewater outfalls discharge to Maiden Creek and Schuylkill River:

<i>Outfall Number</i>	<i>New or Existing</i>	<i>Type</i>	<i>Discharge Rate</i>
001 Maiden Creek	Existing	SWO	Precipitation Induced
002 Schuylkill River	Existing	SWO	Precipitation Induced
003 Schuylkill River	Existing	SWO	Precipitation Induced
004 Maiden Creek	Existing	SWO	Precipitation Induced
005 Maiden Creek	Existing	TFO	29.0 MGD

The proposed effluent limits for the previously listed outfalls are as follows: 001—004

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/l)		35.0	70.0	90.0
pH ¹ (S.U.)	6.0			9.0
Alkalinity must exceed acidity at all times.				

Outfall 005

<i>Parameter (unit)</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant Maximum</i>
Total Suspended Solids (mg/L)		35.0	70.0	90.0
pH (S.U.)	6.0			9.0
Alkalinity must exceed acidity 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 of Environmental Protection (DEP). Section 401 of the Federal Water Pollution Control Act (FWPCA)

(33 U.S.C.A. § 1341), requires the State to certify that the involved projects will not violate the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), as well as relevant state requirements. Individuals objecting to approval of a request for certification under Section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of

an Environmental Assessment must submit any comments, suggestions or objections within 30-days of the date of this notice, as well as any questions to the office noted above the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed, and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The DEP may schedule a fact-finding hearing or an informal conference in response to comments if deemed necessary. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8:00 a.m. and 4:00 p.m. on each working day at the office noted above the application.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

E0829222-022. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Rome Township, Bradford County. U.S. Army Corps of Engineers Baltimore District. Application received: May 2, 2022.

To construct, operate and maintain the Treat Bra Pad Project, which consists of the following impacts:

1. 4,399 square feet of permanent direct impacts to Palustrine Emergent (PEM) Wetlands and 7,221 square feet of temporary direct impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill (Windham, PA Quadrangle, Latitude N 41° 52' 44.65", Longitude W 76° 21' 29.94");

2. 523 square feet of temporary direct impacts to Palustrine Emergent (PEM) Wetlands for on-site wetland restoration (Windham, PA Quadrangle, Latitude N 41° 52' 47.25", Longitude W 76° 21' 28.82"); and

3. 7,710 square feet of temporary direct impacts to Palustrine Emergent (PEM) Wetlands for on-site wetland restoration (Windham, PA Quadrangle, Latitude N 41° 52' 43.38", Longitude W 76° 21' 30.47").

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 4,399 square feet (0.101 acre) of permanent direct PEM wetland impacts, 7,221 square feet (0.166 acre) of temporary direct PEM wetland impacts, and 8,233 square feet (0.189 acre) of temporary direct PEM wetland restoration impacts, all for the purpose of Marcellus well development in Rome Township, Bradford County.

E0829222-023. Chesapeake Appalachia LLC, 14 Chesapeake Lane, Sayre, PA 18840, Sheshequin Township, Bradford County. U.S. Army Corps of Engineers Baltimore District. Application received: May 25, 2022.

To construct, operate and maintain the Packard Bra Pad Project, which consists of the following impacts:

1. 128.0 linear feet of permanent direct impacts to a UNT to Deer Lick Creek (CWF, MF), 6,360 square feet of temporary direct impacts to the floodway of a UNT to Deer Lick Creek (CWF, MF), and 5,053 square feet of permanent direct impacts to the floodway of a UNT to Deer Lick Creek (CWF, MF) via the placement of fill (Towanda, PA Quadrangle, Latitude N 41° 51' 37.61", Longitude W 76° 27' 55.84");

2. 11,413 square feet of permanent direct impacts to Palustrine Forested (PFO) Wetlands via conversion (Towanda, PA Quadrangle, Latitude N 41° 51' 41.37", Longitude W 76° 27' 57.38"); and

3. 87 square feet of temporary direct impacts to Palustrine Emergent (PEM) Wetlands via the placement of fill (Towanda, PA Quadrangle, Latitude N 41° 51' 43.33", Longitude W 76° 27' 54.79").

This project is an after-the-fact permit that is associated with the Chesapeake Audit and will result in 128.0 linear feet of permanent direct stream impacts, 6,360 square feet (0.146 acre) temporary direct floodway impacts, 5,053 square feet (0.116 acre) of permanent direct floodway impacts, 11,413 square feet (0.262 acre) of permanent direct conversion impacts to PFO wetlands, and 87 square feet (0.002 acre) of temporary direct impacts to PEM wetlands, all for the purpose of Marcellus well development in Sheshequin Township, Bradford County.

Northcentral Region: Waterways & Wetlands Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Jared Jacobini, Aquatic Biologist 1, 570-327-3707.

E1904222-003. South Centre Township, 6260 4th St, Bloomsburg, PA 17815, South Centre Township, Columbia County. U.S. Army Corps of Engineers Baltimore District. Application received: March 30, 2022.

The applicant has proposed to construct a public wastewater collection system in South Center Township. The project will result in 170' L x 40' W of permanent Watercourse impact, 306' L x 5,903' W of permanent Floodway impact and 968' L x 556' W of permanent Wetland impact. The project will result in 160' L x 30' W of temporary Watercourse impact, 14,100' L x 45' W of temporary Floodway impact and 5,660' L x 224' W of temporary Wetland impact. Mitigation will be required as Wetland resources are within the project area. Latitude: 41° 01' 21.3", Longitude: -77° 20' 35.7".

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E2006222-005. Carter Lumber Company, 601 Tallmadge Road, Kent, OH 44240, Sadsbury Township, Butler County. U.S. Army Corps of Engineers Pittsburgh District. Application received: August 15, 2022.

The applicant proposes to expand the existing Carter Lumber by constructing a new 12,000 square foot building and 6,000 square foot future building with gravel parking areas and storage, and stormwater management facilities. The project will impact 0.16 acre of Palustrine Scrub Shrub Wetland and 0.02 acre of Emergent Wetland. The applicant is proposing to mitigate for the wetland impacts by paying into the Pennsylvania Wetland Re-Placement Project fund. Latitude: 41.60722°, Longitude: -80.27722°.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E2203222-006. Utah Development, LLC, 25000 Assembly Park Dr, Wisom, MI 48393, West Hanover Township, **Dauphin County**. U.S. Army Corps of Engineers Baltimore District. Application received: August 9, 2022.

Applicant proposes to place and maintain fill in palustrine emergent wetlands, permanently impacting 0.20 acre of wetland for the purpose of providing additional parking and providing safe travel paths at the existing RV sales and service center. The project is located at 80 and 86 Hershey Road. To compensate for the impacts, the applicant proposes to purchase 0.20 wetland credits from the East Branch Codorus Creek Mitigation Bank in York County, PA. Latitude: 40.33674°, Longitude: -76.71422°.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E5101222-012. BP Point Breeze, LLC, One Gatehall Drive, Suite 201, Parsippany, NJ 07054, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District. Application received: August 10, 2022.

BP Point Breeze, LLC is proposing to perform the following water obstruction and encroachment activities associated with the 6310 West Passyunk Avenue Project listed as follows: Activities associated with constructing a 487,590 square foot cross-dock warehouse and distribution facility: 1) To fill within wetland area (Wetland B PEM-PFO) for cross-dock warehouse construction, resulting in 340 linear feet (58,048 sq. ft., 1.33 acres) of permanent wetland impact. 2) To fill within wetland area (Wetland D PEM-PFO) for cross-dock warehouse construction, resulting in 80 linear feet (4,396 sq. ft., 0.10 acre) of permanent wetland impact. This project is located at 6310 West Passyunk Avenue in Philadelphia, PA, City and County of Philadelphia (USGS PA Philadelphia Quadrangle). Latitude: 39.913865°, Longitude: -75.214160°.

E4601222-016. Southeastern Pennsylvania Transportation Authority (SEPTA), 1234 Market Street, Philadelphia, PA 19107, Conshohocken Borough, **Montgomery County**. U.S. Army Corps of Engineers Philadelphia District. Application received: June 30, 2022.

To construct and maintain parking improvements for the Southeastern Pennsylvania Transportation Authority's (SEPTA) Conshohocken Train Station. The project includes a parking structure, a parking lot for SEPTA customers, sidewalks, shared use path, and stormwater management, etc., within the floodway/floodplain of the Schuylkill River (WWF-MF) associated with the improved access to the rail transit for the residents. The site is located about 0.25-mile northeast of 10 Washington Street in Conshohocken Borough, Montgomery County (Norristown PA USGS Quadrangle). Latitude: 40.07460°, Longitude: -75.31360°.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E6505222-003. Lower Burrell Municipal Authority, 2800 Bethel Street, Lower Burrell, PA 15068, City of Lower Burrell, **Westmoreland County**. U.S. Army Corps of Engineers Pittsburgh District. Application received: March 4, 2022.

The applicant proposes to: 1. Remove the existing 60 by 30-foot Chartiers pump station and to construct, operate and maintain a replacement pump station in Chartiers Run's (TSF) floodplain. 2. Abandon an existing 8" force main and construct, operate and maintain a replacement force main associated with the Chartiers pump station within Chartiers Run and a UNT to Chartiers Run (TSF). For the purpose of eliminating the majority of overflow events that have affected the Lower Burrell Municipal Authority due to station design and sewer capacities. Cumulatively, the proposed project will impact approximately 29,534 square feet of floodplain, 190 linear feet of stream and 2,600 square feet of associated floodway(s). The project site is located at the intersection of Edgecliff Road and Garvers Ferry Road. Latitude: 40.600000°, Longitude: -79.723889°.

DAM SAFETY

Central Office: Waterways & Wetlands Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-3411.

Contact: Kelly Steele, Project Specialist, 717-787-1785.

D64-021A. Pennsylvania Fish and Boat Commission, 595 East Rolling Ridge Drive, Bellefonte, PA 16823, Mount Pleasant Township, **Wayne County**. To modify, operate, and maintain Belmont Lake Dam across West Branch Lackawaxen River, (HQ-CWF, MF) impacting 0.025 acre of wetlands (PEM) and 30 feet of stream and providing 0 acre of wetland mitigation, for the purpose of rehabilitating the dam to safely pass the spillway design flood, Latitude: 41.7684°, Longitude: -75.4454°. Application received: December 29, 2020.

EROSION AND SEDIMENT CONTROL

The following parties have applied for an Erosion and Sediment Control Permit (ESCP) for an earth disturbance activity associated with either a road maintenance or timber harvesting operation.

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (DEP) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices (BMPs) which restrict the rate and quantity of sediment discharged.

Individuals wishing to comment on the proposed permit are invited to submit a statement to the appropriate DEP Regional Office listed above the application within 30-days of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address, and telephone number of the writer and a concise statement to inform DEP of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held

after consideration of comments received by the appropriate DEP Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity are on file and may be inspected at the office identified in this notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Applications Received Under Sections 5 and 402 of the Clean Streams Law (35 P.S. §§ 691.5 and 691.402).

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Brian Bailey, P.E., Program Manager, 570-974-2604.

ESCP ESP070222002-00

Applicant Name Hyperion Midstream, LLC

Contact Person Brian Dillemath

Address 501 Technology Drive, Suite 1200

City, State, Zip Canonsburg, PA 15317

Township(s) Elizabeth Township

County Allegheny County

Receiving Stream(s) and Classification(s) The project will discharge stormwater to Gillespie Run (WWF). The Champion Compressor Station project consists of an approximately 100-foot long access road and an approximately 510-foot long by 134-foot wide compressor station pad to support Hyperion Midstream's operations in the area. The project will include the implementation of proposed erosion and sedimentation controls and post-construction stormwater management facilities. Total Disturbed Area is 4.7 acres. (Donora Quadrangle; Lat. 40° 14' 27", Long. -79° 48' 56").

Application received: May 24, 2022

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department of Environmental Protection (DEP) has taken the following actions on previously received applications for new, amended, and renewed National Pollutant Discharge Elimination System (NPDES) and Water Quality Management (WQM) permits, applications for permit waivers, and Notice of Intent (NOIs) for coverage under General Permits, as listed in the following tables. This notice of final action is published in accordance with 25 Pa. Code Chapters 91, 92a, and 102 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 official file for each listed action can be reviewed at the DEP or delegated County Conservation District (CCD) office identified in the table for the action. DEP/CCD office contact information is listed as follows for Section I and is contained within the table for Section II. Additional information for permits issued under 25 Pa. Code Chapters 91 and 92a and Individual permits under 25 Pa. Code Chapter 102, including links to Individual Chapter 92a NPDES and WQM Permits, may be reviewed by generating the "Final Actions Report" on DEP's website at www.dep.pa.gov/CWPublicNotice.

DEP office contact information to review official files relating to the final actions in Section I is as follows:

DEP Southeast Regional Office (SERO)—2 E. Main Street, Norristown, PA 19401-4915. File Review Coordinator: 484-250-5910. Email: RA-EPNPDES_SERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SERO@pa.gov for Chapter 102 permits.

DEP Northeast Regional Office (NERO)—2 Public Square, Wilkes-Barre, PA 18701-1915. File Review Coordinator: 570-826-5472. Email: RA-EPNPDES_NERO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NERO@pa.gov for Chapter 102 permits.

DEP Southcentral Regional Office (SCRO)—909 Elmerton Avenue, Harrisburg, PA 17110. File Review Coordinator: 717-705-4732. Email: RA-EPNPDES_SCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SCRO@pa.gov for Chapter 102 permits.

DEP Northcentral Regional Office (NCRO)—208 W. Third Street, Suite 101, Williamsport, PA 17701. File Review Coordinator: 570-327-3693. Email: RA-EPNPDES_NCRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NCRO@pa.gov for Chapter 102 permits.

DEP Southwest Regional Office (SWRO)—400 Waterfront Drive, Pittsburgh, PA 15222. File Review Coordinator: 412-442-4286. Email: RA-EPNPDES_SWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-SWRO@pa.gov for Chapter 102 permits.

DEP Northwest Regional Office (NWRO)—230 Chestnut Street, Meadville, PA 16335. File Review Coordinator: 814-332-6078. Email: RA-EPNPDES_NWRO@pa.gov for Chapter 91 & 92a permits; RA-EPWW-NWRO@pa.gov for Chapter 102 permits.

DEP Bureau of Clean Water (BCW)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-787-5017. Email: RA-EPNPDES_Permits@pa.gov.

DEP Regional Permit Coordination Office (RPCO)—400 Market Street, Harrisburg, PA 17105. File Review Coordinator: 717-772-5987. Email: RA-EPREGIONALPERMIT@pa.gov.

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. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dept of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dept. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dept of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

I. Final Action(s) on NPDES and WQM Permit Application(s) and NOIs for Sewage, Industrial Waste, Industrial Stormwater, MS4s, Pesticides, CAFOs and Individual Construction Stormwater.

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAD090032	Chapter 102 Individual NPDES Permit	Issued	PA Turnpike Comm 700 S Eisenhower Boulevard Middletown, PA 17057-5529	Salford Township Montgomery County	SERO
PAD150072	Chapter 102 Individual NPDES Permit	Issued	Hankin Group P.O. Box 562 717 Constitution Drive Exton, PA 19341-0562	Uwchlan Township Chester County	SERO
PAD150256	Chapter 102 Individual NPDES Permit	Issued	Patriot Self Storage LLC 206 Crimson Drive Oxford, PA 19363-4328	Lower Oxford Township Chester County	SERO
PAD230062	Chapter 102 Individual NPDES Permit	Issued	Duke Realty Ltd Partnership 161 Washington Street Suite 1020 Conshohocken, PA 19428-2083	Marcus Hook Borough Delaware County	SERO
PAD250018	Chapter 102 Individual NPDES Permit	Issued	Erie Solar LLC 3402 Pico Boulevard Santa Monica, CA 90405-2025	Girard Township Erie County	NWRO
PAD400047	Chapter 102 Individual NPDES Permit	Issued	PA Turnpike Comm 700 S Eisenhower Boulevard Middletown, PA 17057-5529	Bear Creek Township Luzerne County	RPCO
PAD450157	Chapter 102 Individual NPDES Permit	Issued	Trapasso Vincent & Charlie 3329 Mountainview Drive Tannersville, PA 18372	Smithfield Township Monroe County	NERO
PAD510218	Chapter 102 Individual NPDES Permit	Issued	2201 E Allegheny Ave, LLC 9310 Keystone Street Philadelphia, PA 19114-4025	Philadelphia City Philadelphia County	SERO
PA0233200	Industrial Stormwater Individual NPDES Permit	Issued	PA Pellets LLC (A Delaware Corp) 958 State Route 49 W Ulysses, PA 16948-9364	Ulysses Borough Potter County	NCRO
0186201	Industrial Waste Land Application Individual WQM Permit	Issued	Knouse Foods Cooperative Inc. 53 East Hanover Street P.O. Box 807 Biglerville, PA 17307-0807	Hamiltonban Township Adams County	SCRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
PAI133509	MS4 Individual NPDES Permit	Waived	Bechtelsville Borough Berks County 16 Railroad Street P.O. Box 295 Bechtelsville, PA 19505	Bechtelsville Borough Berks County	SCRO
PAI133545	MS4 Individual NPDES Permit	Waived	Union Township Berks County 1445 E Main Street Douglassville, PA 19518-9147	Union Township Berks County	SCRO
PA0009741	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Constellation Energy Generation LLC 2569 Shures Landing Road Darlington, MD 21034	Drumore Township Lancaster County	SCRO
PA0087149	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	PA Emer Management Agency 1150 Riverside Drive Lewistown, PA 17044-1971	Lewistown Borough Mifflin County	SCRO
PA0205656	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Watco Transloading LLC 702 Washington Avenue Dravosburg, PA 15034-1348	Dravosburg Borough Allegheny County	SWRO
PA0228214	Minor Industrial Waste Facility without ELG Individual NPDES Permit	Issued	Niagara Bottling LLC 1440 Bridgegate Drive Diamond Bar, CA 91765-3932	Boggs Township Centre County	NCRO
PA0033910	Minor Sewage Facility < 0.05 MGD Individual NPDES Permit	Issued	Northeast Bradford School District 516 Panther Lane Rome, PA 18837-7892	Orwell Township Bradford County	NCRO
6791203	Minor and Non-NPDES Industrial Waste Treatment Facility Individual WQM Permit	Issued	Constellation Energy Generation LLC 2569 Shures Landing Road Darlington, MD 21034	Drumore Township Lancaster County	SCRO
2575401	Minor and Non-NPDES Sewage Treatment Facility Individual WQM Permit	Issued	PA DOT Maintenance & Operations Bureau PA DOT Bureau of Office Services 400 North Street 5th Floor Harrisburg, PA 17120	Springfield Township Erie County	NWRO
NNOEXSC53	No Exposure Certification	Issued	Pella Corp 2000 Proline Place Gettysburg, PA 17325-8297	Straban Township Adams County	SCRO
NNOEXSC75	No Exposure Certification	Issued	Gates Corp 1675 Orchard Drive Chambersburg, PA 17201-9206	Chambersburg Borough Franklin County	SCRO
NOEXSC281	No Exposure Certification	Issued	Snap on Tools Corp 265 S Church Street Robesonia, PA 19551-1601	Robesonia Borough Berks County	SCRO
NOEXSC375	No Exposure Certification	Issued	GXO Logistics Supply Chain, Inc. 200 Capital Lane Middletown, PA 17057-5526	Lower Swatara Township Dauphin County	SCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
NOEXSC384	No Exposure Certification	Issued	Hain Celestial Group, Inc. 3775 Hempland Road Mountville, PA 17554-1541	Springettsbury Township York County	SCRO
NOEXSC385	No Exposure Certification	Issued	ABF Freight System, Inc. P.O. Box 10048 Fort Smith, AR 72917-0048	Lower Allen Township Cumberland County	SCRO
NOEXSW190	No Exposure Certification	Issued	St-Gobain Ceramics 4702 State Route 982 Latrobe, PA 15650-3280	Derry Township Westmoreland County	SWRO
PAG040201	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Nevin Hill and Rachel Lyons 2494 Washington Lane Huntingdon Valley, PA 19006-5922	Lower Moreland Township Montgomery County	SERO
PAG045078	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Campbell Daryla J 184 Lazy Brook Lane Wellsboro, PA 16901-7449	Delmar Township Tioga County	NCRO
PAG045080	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Haynes Corey 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO
PAG046208	PAG-04 NPDES General Permit for Small Flow Treatment Facilities	Issued	Morrison Tina M 399 Freeman Falls Road Acme, PA 15610-2210	Mount Pleasant Township Westmoreland County	SWRO
PAG133720	PAG-13 NPDES General Permit for MS4s	Waived	Centerport Borough Berks County 110 Callowhill Street Centerport, PA 19516	Centerport Borough Berks County	SCRO
PAG133724	PAG-13 NPDES General Permit for MS4s	Waived	Christiana Borough Lancaster County 10 West Slokom Avenue Christiana, PA 17509	Christiana Borough Lancaster County	SCRO
PAG133726	PAG-13 NPDES General Permit for MS4s	Waived	Chanceford Township York County 51 Muddy Forks Creek Road Brogue, PA 17309	Chanceford Township York County	SCRO
0621404	Pump Stations WQM Individual Permit	Issued	Upper Tulpehocken Township Berks County 1 Post Lane Bernville, PA 19506	Strausstown Borough Berks County	SCRO
0922411	Pump Stations WQM Individual Permit	Issued	Chalfont New Britain Township Joint Sewer Authority Bucks County 1645 Upper State Road Doylestown, PA 18901-2624	Doylestown Township Bucks County	SERO
2273403	Pump Stations WQM Individual Permit	Issued	Royalton Borough Authority Dauphin County 101 Northumberland Street Middletown, PA 17057-1612	Royalton Borough Dauphin County	SCRO
1073406	Sewage Treatment Facilities Individual WQM Permit	Issued	SMG Development LLC 120 State Route 908 Ext Tarentum, PA 15084-2911	Mercer Township Butler County	NWRO
1095406	Sewage Treatment Facilities Individual WQM Permit	Issued	SMG Development LLC 120 State Route 908 Ext Tarentum, PA 15084-2911	Mercer Township Butler County	NWRO

<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5221401	Sewer Extensions and Pump Stations Individual WQM Permit	Issued	Comm Utilities of Pennsylvania 570 Hallet Road East Stroudsburg, PA 18301	Lehman Township Pike County	NERO
PA0222348	Single Residence STP Individual NPDES Permit	Issued	Holden Thomas L 40 Spicer Road Sheffield, PA 16347	Sheffield Township Warren County	NWRO
PA0264385	Single Residence STP Individual NPDES Permit	Issued	Crossley Scott 9870 Donation Road Waterford, PA 16441-4240	Summit Township Erie County	NWRO
PA0264512	Single Residence STP Individual NPDES Permit	Issued	Marino Linda 354 Stilson Hill Road Pittsfield, PA 16340-7210	Sugar Grove Township Warren County	NWRO
PA0264806	Single Residence STP Individual NPDES Permit	Issued	Stempka Michael L 10224 Oliver Road McKean, PA 16426-1905	McKean Township Erie County	NWRO
PA0264962	Single Residence STP Individual NPDES Permit	Issued	Heiser Marcus 311 Deerfield Lane Tidioute, PA 16351-6627	Deerfield Township Warren County	NWRO
PA0289469	Single Residence STP Individual NPDES Permit	Issued	Salka Kyle 432 Route 422 E Butler, PA 16002-1086	Summit Township Butler County	NWRO
PA0290815	Single Residence STP Individual NPDES Permit	Issued	Mainwaring Stacy 462 Fairlane Boulevard New Galilee, PA 16141-2302	Washington Township Clarion County	NWRO
PA0290947	Single Residence STP Individual NPDES Permit	Issued	Frank Jerrold 2027 N Camp Run Road Fombell, PA 16123-3127	Perry Township Lawrence County	NWRO
PA0290963	Single Residence STP Individual NPDES Permit	Issued	Fannie Mae 3900 Wisconsin Avenue NW Washington, DC 20016-2806	Cranberry Township Venango County	NWRO
1021408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Salka Kyle 432 Route 422 E Butler, PA 16002-1086	Summit Township Butler County	NWRO
1622403	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Mainwaring Stacy 462 Fairlane Boulevard New Galilee, PA 16141-2302	Washington Township Clarion County	NWRO
3722404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Frank Jerrold 2027 N Camp Run Road Fombell, PA 16123-3127	Perry Township Lawrence County	NWRO
4999404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Haynes Corey 326 W Ridge Road Sunbury, PA 17801-5224	Lower Augusta Township Northumberland County	NCRO

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<i>Application Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Permittee Name & Address</i>	<i>Municipality, County</i>	<i>DEP Office</i>
5999440	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Campbell Daryla J 184 Lazy Brook Lane Wellsboro, PA 16901-7449	Delmar Township Tioga County	NCRO
6122404	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Fannie Mae 3900 Wisconsin Avenue NW Washington, DC 20016-2806	Cranberry Township Venango County	NWRO
6216402	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Marino Linda 354 Stilson Hill Road Pittsfield, PA 16340-7210	Sugar Grove Township Warren County	NWRO
6594408	Single Residence Sewage Treatment Plant Individual WQM Permit	Issued	Morrison Tina M 399 Freeman Falls Road Acme, PA 15610-2210	Mount Pleasant Township Westmoreland County	SWRO
WQG02022202	WQG-02 WQM General Permit	Issued	Deer Creek Drainage Basin Authority P.O. Box 158 2400 Freeport Road Cheswick, PA 15024-0158	Harmar Township Allegheny County	SWRO

II. Final Action(s) on PAG-01 and PAG-02 General NPDES Permit NOIs.

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC390022	PAG-02 General Permit	Issued	Keystone Harley-Davidson 2800 Eberhart Road Whitehall, PA 18052	Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@PA.GOV
PAC400236	PAG-02 General Permit	Issued	Airport Beltway JKLM, LLC George Hayden 235 E. Maple Street Hazleton, PA 18201	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@PA.GOV
PAC020852	PAG-02 General Permit	Issued	G. Pasquale & Sons Construction 106 Edgar Lane Venetia, PA 15367	South Connellsville Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020231	PAG-02 General Permit	Issued	Maronda Homes LLC 11 Timberglen Drive Imperial, PA 15126	North Fayette Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020299	PAG-02 General Permit	Issued	James Baker 3500 Homestead-Duquesne Road West Mifflin, PA 15122	West Mifflin Borough Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC020219	PAG-02 General Permit	Issued	Maronda Homes LLC 11 Timberglen Drive Imperial, PA 15126	Moon Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020102	PAG-02 General Permit	Issued	Sewickley Crossing LP 375 Golfside Drive Wexford, PA 15090	Ohio Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020892	PAG-02 General Permit	Issued	Pine Township 230 Pearce Mill Road Wexford, PA 15090	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020863	PAG-02 General Permit	Issued	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville, PA 15017	Pine Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC020868	PAG-02 General Permit	Issued	Rachel Carson Ecovillage LLC 5132 Friendship Avenue Pittsburgh, PA 15224	Richland Township Allegheny County	Allegheny County Conservation District 317 East Carson Street Suite 119 Pittsburgh, PA 15219 412-291-8005
PAC510270	PAG-02 General Permit	Issued	NewCourtland 6970 Germantown Avenue Philadelphia, PA 19119-2114	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484.250.5821 RA-EPNPDES_SERO@ pa.gov
PAC510268	PAG-02 General Permit	Issued	1600 N 11th CRCP, LLC 100 Rose Road Suite 200 King of Prussia, PA 19406	City of Philadelphia Philadelphia County	DEP, SERO 2 E. Main Street Norristown, PA 19401 484.250.5821 RA-EPNPDES_SERO@ pa.gov
PAC650148A-3	PAG-02 General Permit	Issued	PennDOT Engineering District 12-0 825 North Gallatin Avenue Ext Uniontown, PA 15401	South Huntingdon Township Sewickley Township Hempfield Township Westmoreland County	Westmoreland County Conservation District 218 Donahoe Road Greensburg, PA 15601 724-837-5271
PAC390188	PAG-02 General Permit	Issued	Jarret Giancaterino 2330 Madeira Dr. Macungie, PA 18062	North Whitehall Township Lehigh County	Lehigh County Conservation District 4184 Dorney Park Road Suite 105 Allentown, PA 18104 610-391-9583 RA-EPWW-NERO@PA. GOV
PAC460725	PAG-02 General Permit	Issued	Vimco Inc 300 Hansen Access Road King of Prussia, PA 19406	Upper Merion Township Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov

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<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC460009	PAG-02 General Permit	Issued	HG Properties 20 LP 345 Main Street Suite 112 Harleysville, PA 19438	Pennsburg Borough Montgomery County	Montgomery County Conservation District 143 Level Road Collegeville, PA 19426-3313 610-489-4506 x 10 RA-EPNPDES_SERO@ pa.gov
PAC140135	PAG-02 General Permit	Issued	Eli B. and Linda Mae Esh 206 Linda Mae Drive Springs Mills, PA 16875	Gregg Township Centre County	Centre County Conservation District 414 Holmes Avenue Ste 4 Bellefonte, PA 16823 814-355-6817
PAC410071	PAG-02 General Permit	Issued	Pine Ridge Construction Management LLC 1000 Commerce Park Williamsport, PA 17701	City of Williamsport Lycoming County	Lycoming County Conservation District 542 County Farm Rd Suite 202 Montoursville, PA 17754 570-433-3003
PAC470033	PAG-02 General Permit	Issued	Reuben Hostetler 343 Stamm Road Danville, PA 17821	Anthony Township Montour County	Montour County Conservation District 1210 Bloom Road Danville, PA 17821 570-271-1140
PAC010050	PAG-02 General Permit	Issued	Thomas Gebhart 200 Wheatland Dr. Gettysburg, PA 17325	Mount Pleasant Township Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636 ext. 3044 RA-EPSCWWPABULL@ pa.gov
PAC010008	PAG-02 General Permit	Issued	EB Clearing, Inc. 346 White Church Rd. York Springs, PA 17372	Huntingdon Borough Adams County	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636 ext. 3044 RA-EPSCWWPABULL@ pa.gov
PAC670538	PAG-02 General Permit	Issued	Harold Deardorff P.O. Box 368 Lewisberry, PA 17339	Newberry Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov
PAC670386 A-1	PAG-02 General Permit	Issued	Kim Moyer 41 Cinema Dr York, PA 17402	Windsor Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC670507	PAG-02 General Permit	Issued	Ollie's Bargain Outlet Inc. John Swygert 6295 Allentown Blvd Suite 1 Harrisburg, PA 17112	East Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov
PAC670563	PAG-02 General Permit	Issued	Americold Doug Karmel 10 Glenlake Parkway Suite 600 South Tower Atlanta, GA 30328	East Manchester Township York County	York County Conservation District 2401 Pleasant Valley Road Suite 101 Room 139 York, PA 17402 717-840-7430 RA-EPSCWWPABULL@ pa.gov
PAC220076 A-2	PAG-02 General Permit	Issued	The Pennsylvania State University 139J Physical Plant Building University Park, PA 16802	Lower Swatara Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 RA-EPSCWWPABULL@ pa.gov
PAC220172 A-1	PAG-02 General Permit	Issued	Williams Holding Group, LLC 2325 Paxton Church Rd Harrisburg, PA 17110	West Hanover Township East Hanover Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 RA-EPSCWWPABULL@ pa.gov
PAC220336	PAG-02 General Permit	Issued	Scott Fader Auto Properties Harrisburg LLC 1 Olympia Place Towson, MD 21204	Lower Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 RA-EPSCWWPABULL@ pa.gov
PAC220346	PAG-02 General Permit	Issued	Crossroads Market and Auction LLC 328 Theater Lane Spring Glen, PA 17978	Lykens Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 RA-EPSCWWPABULL@ pa.gov
PAC220342	PAG-02 General Permit	Issued	Conservative Vision Foundation 108 Roadcap Rd Millersburg, PA 17061	Mifflin Township Upper Paxton Township Dauphin County	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100 RA-EPSCWWPABULL@ pa.gov

<i>Permit Number</i>	<i>Permit Type</i>	<i>Action Taken</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Office</i>
PAC400249	PAG-02 General Permit	Issued	Hazleton Area School District Robert J. Krizansky 1515 W. 23rd Street Hazleton, PA 18202-1647	Hazle Township Luzerne County	Luzerne Conservation District 325 Smiths Pond Road Shavertown, PA 18708 570-674-7991 RA-EPWW-NERO@PA.GOV

**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. 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.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Hemlock Lane Farm LP 121 Hemlock Lane Williamsburg, PA 16693	Blair County	653.2	761.35	Swine	NA	Approved
Kulp Family Dairy LLC 1691 Millerstown Road Martinsburg, PA 16662	Blair County Bedford County	2,692.1	4,775.7	Dairy	HQ	Approved
Penn England Farm 10341 Fox Run Road Williamsburg, PA 16693	Blair County Huntingdon County	3,606.2	4,410.72	Dairy	HQ	Approved
Jake Kahler 2375 Line Mountain Road Dornsife, PA 17823	Northumberland County	4.95	266.05	Layers	NA	Approved
Landis Farms 2607 Klingerstown Road Herndon, PA 17830	Northumberland County	646	565.54	Swine/ Beef	NA	Approved
Michael Hege 11437 Gehr Road Waynesboro, PA 17268	Franklin County	114.1	312.14	Poultry	NA	Approved
Keith Musser 300 Evergreen Road New Bloomfield, PA 17068	Perry County	23	409.97	Poultry	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Aspen Perry 2127 Oak Hall Road Newport, PA 17074	Perry County	95.9	1,764.3	Swine	HQ	Approved
Steve Wenger 549 Schaeffer Road Lebanon, PA 17042	Lebanon County	1331	1,177.35	Broilers/ Steers/ Goats	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. 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.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

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).

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Joseph M. Mattucci, Program Manager, 717.705.4708.

Construction Permit No. 0622517 MA, Minor Amendment, Public Water Supply.

Applicant **Reading Area Water Authority**

Address 1801 Kutztown Road
Reading, PA 19604

Municipality Ontelaunee Township

County **Berks County**

Consulting Engineer Brian J. Hassinger, P.E.
SSM
1047 North Park Road
Reading, PA 19604

Application Received June 6, 2022

Permit Issued September 14, 2022

Description Construction permit approving the installation of air gaps on the eight existing filter to waste discharge lines.

Operation Permit No. 0621530, Major Amendment, Public Water Supply.

Applicant **Trautman Plaza**

Address 215 West Bahney Avenue
Myerstown, PA 17067

Municipality Jefferson Township

County **Berks County**

Consulting Engineer Charles A. Kehew, II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
Suite 300
York, PA 17401

Application Received August 24, 2022

Permit Issued September 14, 2022

Description Operation permit approving the use of the new water system.

Actions Taken Under the Pennsylvania Safe Drinking Water Act (35 P.S. §§ 721.1—721.17).

Northcentral Region: Safe Drinking Water Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Nicole Mechtly, Clerical Supervisor II, (570-327-3490).

Operation Permit 1421505. PWSID No. **4140079**. **Unionville Borough**, P.O. Box 81, Fleming, PA 16835, Union Township, **Centre County**. Application received: July 28, 2022. Permit Issued: September 14, 2022. This permit authorizes the authority to operate a 102,000 gallon glass-coated, bolted-steel water storage tank, 5 hp Goulds model 45GS50 well pump with VFD, Toshiba Model LF622FAC211E electromagnetic flowmeter

for Well No. 2, PLC-based pump control system in chlorination facility for well pump & chlorination pump with alarm signals that includes new pressure transducer in existing meter pit to monitor water level in new water storage tank, 388 feet of 10-inch diameter pipe from chlorination facility to new Entry Point 101 to new water storage tank inlet, Two water valves between Well No. 2 and Well Building and one water valve to shut off flow to existing reservoirs.

Transfer Permit 4190008 consolidated from 27 permits: A-1468-T2, 6-66-W-008-T2, 4781501-T2, MA (9/25/89)-T2, MA (7/7/9) PWSID No. 4190008. Veolia Water Pennsylvania, Inc., 6310 Allentown Boulevard, Suite 104, Harrisburg, PA 17112, Town of Bloomsburg, Columbia County and Montour County. Application received: May 4, 2022. Permit Issued: September 19, 2022. The following permits have been consolidated into one transferred system-wide permit no. 4190008: Permit Nos. A-1468-T2, 6-66-W-008-T2, 4781501-T2, MA(9/25/89)-T2, MA(7/7/99)-T2, MA(11/17/99)-T2, 4707501-T2, MA(4/7/10)A-T2, MA(4/7/10)B-T2, 4719501MA-T1, 102588MAb-T2, 062689MA-T2, MA(10/18/2002), MA(8/22/2006), MA(3/17/2010), MA(9/17/2010), 1914501, 1914502, 1915501, 1915502MA, 1916501MA, 1917501MA, 1918502MA, 1919504, 1919505, 1919506, and 1919507MA.

Southcentral Region: Safe Drinking Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Wade Cope, P.E., Environmental Engineer, 717-705-4708.

Transfer Permit 7670129. PWSID No. **7670129.** **The York Water Company,** 130 East Market Street, York, PA 17401, Washington Township, **York County.** Application received: August 17, 2022. Permit Issued: September 14, 2022. Transfer of Country View Manor Water System (PWS ID No. 7670129) to The York Water Company.

Operation Permit 6722511 MA. PWSID No. **7210029.** **Pennsylvania-American Water Company,** 852 Wesley Drive, Mechanicsburg, PA 17055, Fairview Township, **York County.** Application received: August 16, 2022. Permit Issued: September 14, 2022. Replace online chlorine analyzer and pH probe at the West Shore Regional Water Treatment Plant.

Operation Permit 7210046. PWSID No. **7210046.** **Pennsylvania Department of Corrections Camp Hill State Correctional Institute,** 2500 Lisburn Road, Camp Hill, PA 17001, Lower Allen Township, **Cumberland County.** Application received: May 27, 2022. Permit Issued: September 15, 2022. Comprehensive Operation Permit for the designation of treatment segments for calculation of 1-Log Giardia inactivation.

Operation Permit 3822505 MA. PWSID No. **7380007.** **Borough of Cornwall,** 44 Rexmont Road, Lebanon, PA 17042, Cornwall Borough, **Lebanon County.** Application received: September 8, 2022. Permit Issued: September 16, 2022. Comprehensive Operation Permit for the Alden Tank cleaning and temporary VFD at the Cornwall Road Booster Pump Station.

Operation Permit 2122510 MA. PWSID No. **7210029.** **Pennsylvania-American Water Company,** 852 Wesley Drive, Mechanicsburg, PA 17055, Silver Spring Township, **Cumberland County.** Application received: August 16, 2022. Permit Issued: September 20, 2022. Replace the existing clearwell and plant effluent pH probes at the Silver Spring Water Treatment Plant.

NCWSA Construction Permit 7500837. PWSID No. **7500837.** **Old Mountain Stone Inn, Inc.,** 14 Soule Road, New Bloomfield, PA 17068, Centre Township, **Perry County.** Application received: July 11, 2022. Permit Issued: September 20, 2022. Replacement of the existing ion exchange softening system.

Southwest Region: Safe Drinking Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Renee Diehl, Program Manager, ra-epsdsw@pa.gov.

Operation Permit 3022511MA. PWSID No. **5300017.** **Southwestern Pennsylvania Water Authority,** P.O. Box 187, 1442 Jefferson Road, Jefferson, PA 15344, Monongahela Township and Whiteley Township, **Greene County.** Application received: August 10, 2022. Permit Issued: September 16, 2022. Operation of an interconnection with East Dunkard Water Authority (Sugar Grove).

Operation Permit 5620502. PWSID No. **4560025.** **Indian Lake Borough,** 1031 Causeway Drive, Central City, PA 15926, Indian Lake Borough, **Somerset County.** Application received: July 6, 2022. Permit Issued: September 16, 2022. Operation of Well 18B, new pressure filter treatment plant, new 204,959-gallon potable water storage tank, and 8-inch diameter waterline.

4-log Treatment of Viruses for Groundwater Sources Permit 5622509GWR. PWSID No. **4560025.** **Indian Lake Borough,** 1031 Causeway Drive, Central City, PA 15926, Indian Lake Borough, **Somerset County.** Application received: August 30, 2022. Permit Issued: September 16, 2022. Groundwater Rule 4-log treatment of viruses for Well # 99 (Source # 001), and Well # 18B (Source # 002).

Transfer Permit 0422506-T1. PWSID No. **5040002.** **Jones Estates Harshbarger PA, LLC,** 4695 State Rt. 151, Aliquippa, PA 15001, Hanover Township, **Beaver County.** Application received: June 2, 2022. Permit Issued: September 16, 2022. Transfer of the facilities permitted under PWS Permit Nos. 0488505, 0498502, 049852-A1 0408501, and 0409513GWR for the Harshbarger's Mobile Home Park's water supply system previously held by S-2 Properties, Inc.

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, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Cory Zimmerman, Sewage Planning Specialist, 717-705-4793.

Plan Location:

Municipality	Address	County
East Lampeter Township	2250 Old Philadelphia Pike Lancaster, PA 17602	Lancaster County

Plan Description:

Greenfield North (Zook Esh Yoder Phase 3) Development, A3-36929-435-3. Approval of a revision to the official plan of East Lampeter Township, **Lancaster County,** has been issued. This action is a result of the review of a planning module for the Greenfield North (Zook Esh Yoder Phase 3) Development (DEP Code No. A3-36929-435-3; APS ID No. 1068422). The proposed development—to be located at Greenfield and Willow

Roads and Ben Franklin Boulevard in Lancaster—consists of 600 apartments and 28 townhouses plus related amenities, with sewage flows of 151,048 gallons per day to be served by a 10-inch sewer main that will extend off-site and intersect a new 12-inch sewer main that will replace an existing 8-inch main. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. Any permits must be obtained in the name of East Lampeter Sewer Authority or owner, as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals 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, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: RA-EPSCROCWMAN@pa.gov.

Plan Location:

Municipality	Address	County
Maxatawny Township	127 Quarry Road Suite 1 Kutztown, PA 19530	Berks County

Plan Description:

Florez Trucking Development, A3-06944-196-2. The Component 2 Planning Module for the Florez Trucking Development, DEP Code No. A3-06944-196-2, APS ID 1071186, consisting of a proposed motor freight company office, and a yard with auto/truck repair facilities using an on-lot sewage disposal system, is disapproved. The proposed development is located on Kutztown Road. This plan is disapproved because it is incomplete due to the failure to provide sufficient information and supporting documentation as required by Act 537, The Clean Streams Law (CSL), and regulations promulgated thereunder, for the Department to conduct a technical review and act upon the application.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The Following Plans and Reports Were Submitted Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.908).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department of Environmental Protection (DEP) 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, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The Department has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Blye Well Pad, Primary Facility ID # **859475**, 4339 Irish Hill Road, Montrose, PA 18801, Middletown Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of soil contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health standards.

WC 67 East Lateral Pipeline, Primary Facility ID # **834569**, 19877 State Route 92, Susquehanna, PA 18847, Jackson Township, **Susquehanna County**. Resource Environmental Management, 50 Maple Street, Montrose, PA 18801, on behalf of SWN Production Company, LLC, 917 State Route 92 North, Tunkhannock, PA 18657, submitted a Final Report concerning remediation of soil and groundwater contaminated with production fluid (brine). The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

Ormrod Blacktop Plant, Primary Facility ID # **621078**, 2475 Willow Street, Coplay, PA 18037, North Whitehall Township, **Lehigh County**. Earthres Group, 6912 Old Easton Road, Pipersville, PA 18947, on behalf of New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, submitted a Final Report concerning remediation of soil contaminated with asphalt. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Amphenol Thermometrics, Inc., Primary Facility ID # **809890**, 967 Windfall Road, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Baker Hughes Company,

12645 West Airport Boulevard, Sugar Land, TX 77478, submitted a Risk Assessment concerning remediation of soil and groundwater and surface water and sediment contaminated with Chloroform, 1,1-Dichloroethane, 1,1-Dichloroethene, and Trichloroethene. The Risk Assessment is intended to document remediation of the site to meet the site-specific standards.

Electric Materials, Primary Facility ID # **625626**, 50 South Washington Street, North East, PA 16428, North East Borough, **Erie County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of The Electric Materials Company, 50 South Washington Street, North East, PA 16428, submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with chlorinated VOCs including TCE, vinyl chloride, and DCE. The Remedial Investigation Report is intended to document remediation of the site to meet the site-specific standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

West Chester Recycling, Primary Facility ID # **838426**, 225 South Worthington Street, West Chester, PA 19380, West Chester Borough, **Chester County**. Paul White, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Jim Speers, A Greener Tomorrow DBA West Chester Recycling, 225 South Worthington Street, West Chester, PA 19380, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil and groundwater contaminated with metals, VOCs, PAHs and PCBs. The Remedial Investigation Report/Cleanup Plan is intended to document remediation of the site to meet the site-specific standards.

Warrington Township Maintenance, Primary Facility ID # **860186**, 3410 Pickertown Road, Chalfont, PA 18914, Warrington Township, **Bucks County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038, Glenside, PA 19038, on behalf of Ed McCulley, Cardinal USA Fuel Oil Inc, 4985 Lancaster Avenue, Philadelphia, PA 19131, submitted a Final Report concerning remediation of soil contaminated with benzene, toluene, ethylbenzene, cumene, naphthalene, MTBE, 1,2,4-TMB and 1,3,5-TMB. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Sellersville Senior Apartments, LLC Property, Primary Facility ID # **839661**, Western Corner of the Intersection of East Clymer Avenue and Diamond Street, Sellersville, PA 18960, Sellersville Borough, **Bucks County**. Christopher M. Kern, PG, Liberty Environmental, Inc., 505 Penn Street, Suite 400, Reading, PA 19601, on behalf of Daniel McKee, CEO, Sellersville Senior Apartments, LLC, 12 Lutheran Drive, Telford, PA 18969, submitted a Final Report concerning remediation of soil contaminated with PAHs, mercury and lead. The Final Report is intended to document remediation of the site to meet the site-specific standards.

63 East Main Street, Primary Facility ID # **852979**, 63 East Main Street, Norristown, PA 19401, Norristown Borough, **Montgomery County**. Heather Shoemaker, GZA GeoEnvironmental, Inc, 1515 Market Street, Suite 945, Philadelphia, PA 19102, on behalf of David Hahn, Montgomery County, 425 Swede Street, Suite 800, Norristown, PA 19404, submitted a Final Report concerning

remediation of soil contaminated with VOCs and SVOCs. The Final Report is intended to document remediation of the site to meet the Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

CNX GH35 Well Pad, Primary Facility ID # **860815**, 400 Consol Access Road 3, Sycamore, PA 15364, Center Township, **Greene County**. Penn Environmental & Remediation, 111 Ryan Court, Pittsburgh, PA 15205, on behalf of CNX Gas Company, LLC, 1000 Horizon Vue Energy Drive, Canonsburg, PA 15317, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, vanadium, and zinc. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

EQT Golden Goose Well Pad, Primary Facility ID # **860912**, 45 Covered Bridge Lane, Scenery Hill, PA 15360, North Bethlehem Township, **Washington County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc, and chloride. The Final Report is intended to document remediation of the site to meet the Statewide health and background standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department Has Taken Action on the Following Plans and Reports Under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (DEP) 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 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. 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 DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

The DEP has received the following plans and reports.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Amphenol Thermometrics, Inc., Primary Facility ID # **809890**, 967 Windfall Road, Saint Marys, PA 15857, City of Saint Marys, **Elk County**. Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of Baker Hughes Company, 12645 West Airport Boulevard, Sugar Land, TX 77478, submitted a Risk Assessment concerning remediation of soil and groundwater and surface water and sediment contaminated with Chloroform, 1,1-Dichloroethane, 1,1-Dichloroethene, and Trichloroethene. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: September 13, 2022.

Standard Bent Glass, Primary Facility ID # **845471**, 136 Lincoln Avenue, East Butler, PA 16209, East Butler Borough, **Butler County**. Tetra Tech, 661 Andersen Drive, Pittsburgh, PA 15220, on behalf of SBG Holdings, Inc., 295A Delwood Road, Butler, PA 16001, submitted a Final Report concerning remediation of soil and groundwater contaminated with in soil for antimony, arsenic, lead, manganese, trichloroethene and hexachloroethane and in for groundwater arsenic, cobalt, manganese, thallium, vanadium, benzene, 1,1,2-trichloroethane, 1,1-dichloroethene, trichloroethene, cis-1,2-dichloroethene, 1,2,4-trimethylbenzene and vinyl chloride. The Final Report demonstrated attainment of the site-specific standards. Approved: September 20, 2022.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900

Contact: Charline Bass, Administrative Assistant, 484-250-5787.

PECO 1300 Alfred Avenue Transformer Oil Spill, Primary Facility ID # **846373**, 1300 Alfred Avenue, Yeadon, PA 19450, Yeadon Borough, **Delaware County**. Bruce Middleman, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380, on behalf of George Horvat, PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19101, sub-

mitted a Final Report concerning remediation of soil contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and PCBs. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 26, 2022.

Proposed Residential Development, Primary Facility ID # **855926**, West Elm Street and Corson Street, Conshohocken, PA 19428, Conshohocken Borough, **Montgomery County**. Jeffrey T. Bauer, PG, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 18914, on behalf of Jean Gardy Pharaud, 400 West Elm Owner, LLC, 3843 West Chester Pike, Newtown Square, PA 19073, submitted a Final Report concerning remediation of soil contaminated with arsenic and PAHs. The Final Report demonstrated attainment of the Statewide health standards. Approved: August 24, 2022.

Signature Cleaners, Primary Facility ID # **839851**, 1456 Ferry Road, Unit 10, Doylestown, PA 18901, New Britain Township, **Bucks County**. Joseph Kraycik, Environmental Standards, Inc., 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Michael Rosen, MAR & SAR, LLC d/b/a/Signature Cleaners, 1456 Ferry Road, Unit 10, Doylestown, PA 18901, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with VOCs. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 26, 2022.

Former Philadelphia Media Network Facility, Primary Facility ID # **855611**, 800 River Road, Conshohocken, PA 19428, Upper Merion Township, **Montgomery County**. Jeffrey K. Walsh, PG, Penn Environmental and Remediation, Inc, 400 Old Dublin Pike, Doylestown, PA 18901, on behalf of Kevin S. Kyle, 800 Schuylkill River Road Associates, LLC, 201 King of Prussia Road, Suite 501, Radnor, PA 19087, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of groundwater contaminated with VOCs and metals. The Report did not demonstrate attainment of the site-specific standards. Issued a technical deficiency letter: August 31, 2022.

Ambler Lakeview Development, Primary Facility ID # **860227**, 5-9 West Maple Street, Ambler, PA 19002, Borough of Ambler/Upper Dublin Township, **Montgomery County**. Walter H. Hungarter, III, PE, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19604, on behalf of John Zaharchuk, Ambler Lakeview Development, LP, 210 South Maple Avenue, Ambler, PA 19002, submitted a Remedial Investigation Report/Cleanup Plan concerning remediation of soil contaminated with arsenic and thallium. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: August 31, 2022.

Historic Auto Repair Shop, Primary Facility ID # **847602**, 199 Kedron Avenue, Folsom, PA 19033, Ridley Township, **Delaware County**. Kelliann McWhorter, AEI Consultants, 20 Gibson Place, Suite 310, Freehold, NJ 07728, on behalf of David A. Green, Dion-Segal Associates, 132 West 22nd Street, New York, NY 10011, submitted a Remedial Investigation Report/Risk Assessment Report/Cleanup Plan concerning remediation of groundwater contaminated with VOCs. The Report did not demonstrate attainment of the site-specific standards. Issued an administrative deficiency letter: August 31, 2022.

Bristol Township Sewer Authority, Primary Facility ID # **853698**, 1800 River Road, Croydon, PA 19021, Bristol Township, **Bucks County**. Matthew Mercuri, PG, RMS Environmental LLC, 2198 Pennsbury Drive, Jamison, PA 18929, on behalf of Joe Crooks, Superior Tank & Energy Company, LLC, 302 Jefferson Avenue, Bristol, PA 19007, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Report did not demonstrate attainment of the Statewide health standards. Issued an administrative deficiency letter: August 31, 2022.

Superior Beverage Company, Primary Facility ID # **616998**, Superior Beverage Company, Phoenixville, PA 19460, Phoenixville Borough, Chester County. Alexandra Gibat, Center Point Tank Services, Inc, 536 East Benjamin Franklin Highway, Douglasville, PA 19518, on behalf of Thomas Mirabile, Jr., Superior Value Beverage Center/Superior Beverage Company, 701 Wheatland Street, Phoenixville, PA 19460, submitted a Final Report concerning remediation of groundwater contaminated with benzene and naphthalene. The Final Report did not demonstrate attainment of the Statewide health standards. Issued an administrative deficiency letter: August 30, 2022.

920 North 9th Street Site, Primary Facility ID # **834585**, 920 North 9th Street Site, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. Stephan D. Brower, PG, Environmental Standards, Inc, 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Elise Halter, Post Quaker Property Owner, LLC, 1021 North Hancock Street, Suite 1, Philadelphia, PA 19123, submitted a Final Report concerning remediation of soil and groundwater contaminated with 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, cumene, 1,2-dichloroethane, benzene, ethylbenzene, 1,2-dibromoethane, methyl tert-butyl ether, toluene, xylenes, lead, and naphthalene. The Final Report demonstrated attainment of the site-specific standards. Approved: August 31, 2022.

1002-1004 Buttonwood Street Site, Primary Facility ID # **848617**, 1002-1004 Buttonwood Street Site, Philadelphia, PA 19123, City of Philadelphia, **Philadelphia County**. William Schmidt, Ransom Consulting, LLC, 2127 Hamilton Avenue, Hamilton, NJ 08619, on behalf of Matt Wagner, SA Buttonwood LP, 600 Spring Garden Street, Philadelphia, PA 19123, submitted a combined Remedial Investigation Report/Cleanup Plan/Final Report concerning remediation of soil and groundwater contaminated with PCE, TCE and cis-1,2-DCE. The Final Report did not demonstrate attainment of the site-specific standards. Disapproved: September 1, 2022.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

EQT Great Tiger Well Pad, Primary Facility ID # **860239**, 683 Green Valley Road, Aleppo, PA 15310, Aleppo Township, **Greene County**. Moody and Associates, Inc., 1720 Washington Road, Suite 100, Washington, PA 15301, on behalf of EQT Corporation, 625 Liberty Avenue, 17th Floor, Pittsburgh, PA 15222, submitted a Final Report concerning remediation of soil contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, zinc, and chloride. The Report demonstrated attainment of the Statewide health standards. Approved: September 19, 2022.

HAZARDOUS WASTE TRANSPORTER LICENSE

Action(s) Taken on Hazardous Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); and Hazardous Waste Regulations to Transport Hazardous Waste.

Transporter License Renewed

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Pioneer Tank Lines, Inc., 12501 Hudson Road S, Afton, MN 55001. **License No. PA-AH 0600**. Application received: September 12, 2022. Effective September 16, 2022.

Brook Ledge, Inc., P.O. Box 56, Oley, PA 19547. **License No. PA-AH 0855**. Application received: September 15, 2022. Effective September 16, 2022.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Action(s) Taken on Regulated and Chemotherapeutic Waste Transporter License Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Regulations to Transport Regulated Medical and Chemotherapeutic Waste.

Transporter License Renewed

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Med-Flex, Inc., P.O. Box 357, Hainesport, NJ 08036. **License No. PA-HC 0207**. Received on September 6, 2022. Effective September 6, 2022.

Transporter License Voluntarily Terminated

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-7561.

Contact: Jonathan Adams.

Biowaste Solutions, Inc., P.O. Box 533, Huntingdon Valley, PA 19006. **License No. PA-HC 0257**. Received on September 8, 2022. Effective September 8, 2022.

MUNICIPAL WASTE GENERAL PERMITS

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and/or the Beneficial Use of Municipal Waste.

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa D. Houser, P.E., Facilities Manager, 570 327-3740.

WMGM015NC001. The Clinton County Solid Waste Authority, 264 Landfill Lane, McElhattan, PA 17748-0209, Wayne Township, **Clinton County**. Permit renewal for the operation of the Wayne Township Landfill. Application received: March 21, 2022. Renewal issued: September 20, 2022.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570 327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

WMGM017NC001. Full Circle Bioconversion, LLC, 608 W. Edwin, Williamsport, PA 17701, Old Lycoming Township, **Lycoming County**. Permit renewal for the operation of the Full Circle Bioconversion Facility. Application received: August 15, 2022. Renewal issued: September 20, 2022.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE GENERAL PERMITS

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); Act 93 of June 28, 1988 (P.L. 525, No. 93); and Regulated Medical and Chemotherapeutic Waste Regulations for a General Permit to Operate Regulated Medical and Chemotherapeutic Waste Processing Facilities.

Central Office: Waste Management Program, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 17177871982.

Contact: Jason Dunham, Environmental Group Manager.

WMGI017. The Trustees of the University of Pennsylvania acting through the School of Veterinary Medicine, 3160 Chestnut Street, Suite 400, Philadelphia, PA 19104, East Marlborough Township, **Chester County**. The general permit application is for a proposed facility that would process and disinfect regulated medical waste. The proposed facility would use chemical and thermal digestion using sodium and/or potassium hydroxide to disinfect animal carcasses, bedding, feces and body parts. The proposed coverage under this new base general permit for the Trustees of the University of Pennsylvania acting through the School of Veterinary Medicine would be issued as WMGI017SE001. The application was deemed administratively complete by PA DEP's Central Office on September 9, 2022. Comments concerning the application should be directed to Jason Dunham, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170,

Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Hamilton Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGI017 in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. Application received: September 9, 2022.

Persons interested in reviewing the permit may contact Jason Dunham, Environmental Group Manager, Central Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101, 717-787-1982. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Actions(s) Taken on Permit(s) Under the Solid Waste Management Act of July 7, 1980 (P.L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northcentral Region: Waste Management Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Lisa D. Houser, P.E., Facilities Manager, 570-327-3740.

101201. Northern Tier Solid Waste Authority, P.O. Box 10, Burlington, PA 18814-0010, Hamilton Township, **Bradford County**. Permit renewal for the operation of the Tioga County Construction/Demolition Waste Landfill. Application received: September 24, 2021. Renewal issued: September 20, 2022.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, 570-327-3740, Northcentral Region, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

Southwest Region: Waste Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Waste Management Program Manager, 412-442-4000.

101648. Stericycle Inc., 3614 Hoskins Court, Hamilton, OH 45011, City of McKeesport, **Allegheny County**. The permit for the Stericycle Autoclave and Transfer Facility located at 380 Locust Street, McKeesport, PA 15132, McKeesport City, Allegheny County was terminated by the Department on September 20, 2022 at the request of the permittee. On June 4, 2021, the permittee notified the Department of closure of the processing portion of the facility and their plan to continue operating as a transfer facility under a permit-by-rule. The closure of the processing facility was approved by the Southwest Regional Office on September 20, 2022. Application received: June 4, 2021.

Persons interested in reviewing the permit may contact Regional Files (412-442-4100), Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact DEP through the Pennsylvania Hamilton Relay Service, 800-654-5984.

AIR QUALITY

Actions(s) Taken on General Plan Approval(s) and Operating Permit(s) 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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6940.

GP5-03-273A (AG5-03-00011A): INR Midstream, LLC, South Bend Compressor Station, 2605 Cranberry Square, Morgantown, WV 26508, South Bend Township, **Armstrong County**. The Department authorizes the installation and operation of a new sources (natural gas fired engines, dehydration units, various tanks) (BAQ-GPA/GP5) located at the new South Bend Compressor Station. Application received: June 23, 2022. Issued: August 26, 2022.

GP5A-24-195B (AG5A-24-00001B): Diversified Production LLC, Longhorn Pad C Wellpad, 125 Industrial Road, Waynesburg, PA 15370, Jay Township, **Elk County**. The Department authorizes the installation and operation of new and existing equipment (BAQ-GPA/GP5A) at the Longhorn Pad C wellpad. Application received: May 31, 2022. Issued: August 24, 2022.

GP5-42-181B (AG5-42-00007A): Elkhorn Gas Processing, LLC, Lewis Run Gas Processing Plant, 4613 East 91st Street, Tulsa, OK 74137, Bradford Township, **McKean County**. The Department authorizes the installation and operation of a new 840 hp natural gas fired compressor engine (BAQ-GPA/GP5) at the Lewis Run Gas Processing Plant. Application received: June 28, 2022. Issued: August 23, 2022.

GP2-62-017J: United Refining Company, 15 Bradley Street, Warren, PA 16365, City of Warren, **Warren County**. The Department authorizes the installation and operation of new Tank 250 (BAQ-GPA/GP2) located at the Refinery. Application received: June 21, 2022. Issued: August 23, 2022.

GP5-03-261D (AG5-03-00012A): Pine Run Midstream LLC, Trout Compressor Station, 11400 Westmoor Circle, Suite 200A, Westminster, CO 80021, West Franklin Township, **Armstrong County**. The Department authorizes the renewal of the site's existing GP-5 with no modifications (BAQ-GPA/GP5) at the Trout Compressor Station. Application received: July 20, 2022. Renewed: September 9, 2022.

GP5-03-980C (AG5-03-00013A): Exco Resources (PA), LLC, Poverty Hill Compressor Station, 12377 Merit Drive, Suite 1700, Dallas, TX 75251, Rayburn Township, **Armstrong County**. The Department authorizes the renewal of the site's existing GP-5 with no modifications (BAQ-GPA/GP5) at its Poverty Hill Compressor Station. Application received: July 11, 2022. Renewed: September 6, 2022.

GP5-42-233D (AG5-42-00008A): Seneca Resources Corporation, SRC Compressor Station, 2000 Westinghouse Drive, Suite 400, Wexford, PA 15090, Sergeant Township, **McKean County**. The Department authorizes a new GP-5 for new and existing sources (BAQ-GPA/GP5) at the SRC Compressor Station. Application received: July 13, 2022. Issued: September 13, 2022.

GP5-61-196D (AG5-61-00003A): OWS Acquisitions Co, LLC, Windy Hill Compressor Station, 2001 Union Carbide Drive, Building 2000, 3rd Floor, South Charleston, WV 25303, Cherrytree Township, **Venango County**. The Department authorizes the renewal and transfer of ownership of the site's existing GP-5 with no modifications (BAQ-GPA/GP5) at the Windy Hills Compressor Station. Application received: July 20, 2022. Renewed: September 8, 2022.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

GP15-28-03074: Kalmbach Feeds, Inc., 7148 State Highway 199, Upper Sandusky, OH 43351, Lower Allen Township, **Cumberland County**. For an existing animal feed mill operation, under GP15. Application received: August 18, 2022. Issued: September 19, 2022.

Contact: Thomas Hanlon, PE, East Permit Section Chief, 717-705-4862.

GP3-22-03107: Streamline Concrete, Inc., 66 Racehorse Drive, Jonestown, PA 17038, Lower Swatara Township, **Dauphin County**. For portable nonmetallic mineral processing equipment at the Rocky Licensing/Byler Quarries Fiddlers Elbow South Quarry. Application received: May 9, 2022. Issued: September 13, 2022.

GP9-22-03107: Streamline Concrete, Inc., 66 Racehorse Drive, Jonestown, PA 17038, Lower Swatara Township, **Dauphin County**. For two diesel fuel-fired internal combustion engines, to power portable nonmetallic mineral processing equipment at the Rocky Licensing/Byler Quarries Fiddlers Elbow South Quarry. Application received: May 9, 2022. Issued: September 13, 2022.

GP1-36-05023: F & M Hat Co., Inc., 103 Walnut Street, Denver, PA 17517, Denver Borough, **Lancaster County**. For one existing natural gas-fired boiler, rated at 15.7 MMBtu/hr, under GP1, at the hat manufacturing facility. The general permit authorization was renewed. Application received: September 7, 2022. Issued: September 15, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

GP5-30-00236C/AG5-30-00022B: EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, Wayne Township, **Washington County**. On September 16, 2022, to authorized the construction and operation of eight (8) natural gas fired Caterpillar compressor engines each rated at 2,500 bhp and one (1) 200 MMscfd TEG dehydrator equipped with reboiler and operation of the previously authorized sources which include one (1) 200 MMSCFD dehydration unit with associated reboiler routed to a thermal oxidizer, two (2) produced water storage tanks, one (1) Cummins diesel-fired emergency generator rated at 1,490 bhp, miscellaneous tanks, fugitive and pneumatic emissions form component leaks; and pigging operations and other misc. gas venting at their Cole Farm Compressor Station. Application received: August 31, 2022. Issued: September 12, 2022.

GP4-63-00964B: Washington Rotating Control Heads, Inc., 63 Springfield Avenue, Washington, PA 15301, City of Washington, **Washington County**. GP4 effective September 14, 2022 to authorize the operation of one (1) 150,000 Btu/hr Ace Equipment Company, Model

245-RKG-FM, natural gas-fired burn off oven with 425,000 btu/hr afterburner; pursuant to the General Plan Approval and General Operating Permit BAQ-GPA-GP-4 Burn Off Ovens. Application received: August 29, 2022. Issued: September 14, 2022.

GP5-30-00223D: EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15137, Gilmore Township, **Greene County**. For the construction and operation of one (1) triethylene glycol dehydrator rated at 150 MMscf/day equipped with a flash tank and 3.08 MMBtu/hr reboiler and controlled by an enclosed flare rated at 12 MMBtu/hr; one (1) 304-bhp Generac SG200 4SLB burn generator engine; two (2) 8,820 gallons produced water storage tanks; one (1) 2,016-gallon used oil storage tank; one (1) 550-gallon triethylene glycol (TEG) storage tank; two (2) 11,016-bhp Solar T-70 turbines equipped with oxidation catalysts; five (5) 268.2-bhp Capstone C-200 microturbines; two (2) dry seal centrifugal compressors; one (1) 1.15 MMBtu/hr fuel gas heater; one (1) 0.38 MMBtu/hr fuel gas heater; one (1) pig launcher and two (2) pig receivers; various instrument air-driven pneumatic devices; fugitive emissions components; and fugitive blowdowns at their Cygrymus compressor station. Application received: May 6, 2022. Issued: September 19, 2022.

Plan Approval Revision(s) Issued Including Extension(s), Minor Modification(s) and Transfer(s) of Ownership Under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

07-05041C: Fort Dearborn Co., 13985 South Eagle Valley Road, Tyrone, PA 16686, Snyder Township, **Blair County**. For the installation of a new flexographic printing press and regenerative thermal oxidizer at the label and packaging printing facility. The plan approval was extended. Application received: September 1, 2022. Issued: September 14, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

23-0038F: DELCORA, P.O. Box 999, 100 E. 5th Street, Chester, PA 19016-0999, City of Chester, **Delaware County**. An extension for construction and operation of a new air pollution control system for each of the two multiple hearth incinerators, comprising quench, multi-venturi scrubber, wet electrostatic precipitator and regenerative thermal oxidizer. Each of the incinerators were modified to remove the afterburner function from the incinerators' upper hearths and replace that with the RTO downstream. Application received: August 12, 2022. Issued: September 16, 2022.

15-0067J: Herr Foods Inc., 273 Old Baltimore Pike, Nottingham, PA 19362, West Nottingham Township, **Chester County**. An extension for the installation of two (2) additional natural gas fired batch kettle fryers, Kettle 2B-7 (# 7 Fryer) and Kettle 2B-8 (# 8 Fryer) to existing source ID 160 (Chip Line 2B) on the 2B Chip Line. Application received: August 5, 2022. Issued: September 15, 2022.

09-0236: Covanta Metals Mkt, LLC, 445 South Street, Morristown, NJ 07960-6475, Falls Township, **Bucks County**. An extension for the construction and operation of a Non-Ferrous Metal recovery facility. Application received: July 7, 2022. Issued: September 13, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Edward Orris, PE, New Source Review Chief (412-442-4168).

30-00233B: Hill Top Energy Center, LLC, 278 Thomas Road, Carmichaels, PA 15320, Cumberland Township, **Greene County**. To extend the temporary operation period for the Hill Top Energy Center natural gas-fired combined cycle power plant. The new expiration date is March 28, 2023. Application received: August 11, 2022. Issued: September 13, 2022.

30-00233C: Hill Top Energy Center, LLC, 278 Thomas Road, Carmichaels, PA 15320, Cumberland Township, **Greene County**. To extend the temporary operation period for the Hill Top Energy Center natural gas-fired combined cycle power plant. The new expiration date is March 28, 2023. Application received: August 11, 2022. Issued: September 13, 2022.

04-00740A: Shell Chemical Appalachia, LLC, 300 Frankford Road, Monaca, PA 15061, Potter Township and Center Township, **Beaver County**. Effective October 28, 2022, to extend the period of temporary operation and for the continued construction of the Shell Petrochemicals Complex. The new expiration date is April 28, 2023. Application received: August 17, 2022. Issued: September 13, 2022.

04-00740B: Shell Chemical Appalachia, LLC, 300 Frankford Road, Monaca, PA 15061, Potter Township and Center Township, **Beaver County**. Effective October 28, 2022, to extend the period of temporary operation and for the continued construction of the Shell Petrochemicals Complex. The new expiration date is April 28, 2023. Application received: August 17, 2022. Issued: September 12, 2022.

04-00740C: Shell Chemical Appalachia, LLC, 300 Frankford Road, Monaca, PA 15061, Potter Township and Center Township, **Beaver County**. Effective October 28, 2022, to extend the period of temporary operation and for the continued construction of the Shell Petrochemicals Complex. The new expiration date is April 28, 2023. Application received: August 17, 2022. Issued: September 12, 2022.

63-00999A: EQM Gathering OPCO, LLC, 2200 Energy Drive, Canonsburg, PA 15317, West Pike Run Township, **Washington County**. Effective September 28, 2022, with expiration on March 28, 2022, to extend the period for installation of five compressor engines, two triethylene glycol dehydrators, four produced water tanks, three low pressure pig receivers, one high pressure pig launcher, miscellaneous lubrication oil tanks, and piping components in natural gas service at Blue Moon Compressor Station. Temporary operation of five compressor engines, two triethylene glycol dehydrators, four produced water tanks, miscellaneous lubrication oil tanks, and piping components in natural gas service previously authorized under GP5-63-00999A is also extended. Application received: August 24, 2022. Issued: September 9, 2022.

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

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00096: Union Electric Steel Corporation, P.O. Box 465, Carnegie, PA 15106, Smith Township, **Washington County**. A Title V Operating Permit (TVOP-63-00096) renewal to Union Electric Steel Corporation USA (UES) to authorize the continued operation of steel manufacturing at their Harmon Creek Plant. Application received: December 9, 2021. Issued: September 19, 2022.

Operating Permit(s) 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.

Northcentral Region: Air Quality Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

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

14-00044: TRS Technologies, Inc., 2820 E. College Avenue, State College, PA 16801, College Township, **Centre County**. Issued a State Only Operating Permit for their State College Plant. The State Only Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: June 8, 2022. Issued: September 8, 2022.

08-00021: Cabinet Works Michigan, LLC, P.O. Box 158, Sayre, PA 18840, Athens Township, **Bradford County**. Issued a renewal State Only (Synthetic Minor) Operating Permit for their Athens Twp. Plant. The State Only (Synthetic Minor) Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions. Application received: April 15, 2022. Issued: September 8, 2022.

Philadelphia: Air Management Services: Air Quality Program, 321 University Avenue, Philadelphia, PA 19104-4543 215-685-9426.

Contact: Edward Wiener, Chief, Source Registration (215-685-9426).

OP21-000061: Overbrook School for the Blind, 6333 Malvern Avenue, Philadelphia, PA 19151, City of Philadelphia, **Philadelphia County**. For the operation of two (2) 9,625,500 BTU/hr boilers each firing No. 2 fuel oil or natural gas and a 200-kw diesel emergency generator at a school in the City of Philadelphia, Philadelphia County. Application received: November 10, 2021. Issued: September 15, 2022.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Thomas Joseph, PE, Facilities Permitting Chief, 412-442-4336.

63-00488: Penn Highlands Mon Valley Hospital, 1163 Country Club Road, Monongahela, PA 15063, Carroll Township, **Washington County**. On September 15, 2022, the Department issued a State Only Operating Permit to authorize the operation of the Penn Highlands Mon Valley Hospital. The facility previously operated as the "Monongahela Valley Hospital". Equipment at this facility includes two (2) Main Hospital Cleaver Brooks boilers rated at 16.7 MMBtu/hr each which are fired on natural gas-fired boilers with ultra-low sulfur diesel (ULSD) as back-up, three (3) Oncology Room boilers rated at 2.16 MMBtu/hr, 2.5 MMBtu/hr, and 1.5 MMBtu/hr which

are fired on natural gas with ULSD as back-up, two (2) Emergency Department boilers rated at 1.5 MMBtu/hr each which are fired on natural gas with ULSD as back-up, and four (4) emergency generator engines with a combined heat input rating of 19.4 MMBtu/hr which are fired exclusively on ULSD. The facility is subject to the applicable requirements of Pa. Code Title 25, Chapters 121—145. The final Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, work practice standards, and reporting requirements. Application received: September 14, 2022. Issued: September 16, 2022.

Operating Permit Revisions Issued Including Administrative Amendments, Minor Modifications or Transfer 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.

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Thomas Bianca, PE, West Permit Section Chief, 717-705-4862.

67-03052: Gelest, Inc., 158 Industrial Road, Glen Rock, PA 17327-8626, Springfield Township, **York County**. For the specialty chemical manufacturing facility. The State-Only permit was administratively amended to reflect a change of ownership. Application received: August 5, 2022. Issued: September 14, 2022.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

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

46-00180: Transicoil, LLC, 9 Iron Bridge Drive, Collegeville, PA 19426, Perkiomen Township, **Montgomery County**. For an Administrative Amendment, in accordance with 25 Pa. Code Section 127.450(a)(2), to change the Responsible Official Contact from Aaron Veres to Warren Hillbish, Site Manager. Application received: August 12, 2022. Issued: September 15, 2022.

ACTIONS ON COAL AND NONCOAL APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.31); 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); the Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the National Pollutant Discharge Elimination System (NPDES) permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to such applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1103). Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Coal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-ep cambria@pa.gov.

Mining Permit No. 11220201. Laurel Sand & Stone, Inc., 210 East Main Street, P.O. Box 556, Ligonier, PA 15658-0556, Elder Township, **Cambria County.** Commencement, operation and restoration of a bituminous surface and auger mine. Affecting 23.0 acres. Receiving streams: Little Brubaker Run and Brubaker to Chest Creek classified for the following uses: CWF, CWF & CWF. Application received: March 17, 2022. Issued: September 12, 2022.

Noncoal Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931-4119, 814-472-1800.

Contact: Melanie Ford-Wigfield, 814.472.1900, ra-ep cambria@pa.gov.

Mining Permit No. 28980301. Scott's Hauling & Excavating, Inc., 1462 North Franklin Street, Chambersburg, PA 17202, Montgomery Township, **Franklin County.** Transfer of an existing large noncoal surface mine. Affecting 10.0 acres. Receiving streams: unnamed tributary to Blue Springs Creek to Licking Creek classified for the following uses: TSF & MF. Application received: March 2, 2022. Issued: September 12, 2022.

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

Contact: Cayleigh Boniger, Clerical Supervisor 2, 814-797-0824.

Mining Permit No. 3076SM8. NPDES No. PA0259748. Conneaut Lake Sand & Gravel, Inc., P.O. Box 233, West Middlesex, PA 16159, Sadsbury Township, **Crawford County.** Renewal of an NPDES permit associated with a large noncoal surface mining permit. Application received: June 14, 2022. Issued: September 13, 2022.

New Stanton District Mining Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500.

Contact: Tracy Norbert, 724.925.5500 or RA-EP NEWSTANTON@pa.gov.

Mining Permit No. 26990301. NPDES No. PA0278220. Iron Mountain US, LLC, 701 West Main Street, Suite 3, Mount Pleasant, PA 15666, Dunbar Township and Vanderbilt Borough, **Fayette County.** NPDES permit renewal issued for continued mining to a noncoal surface mine affecting 297.0 acres. Receiving streams: Dickerson Run and unnamed tributaries to Dickerson Run, classified for the following use: WWF. Application received: July 11, 2019. Issued: September 15, 2022.

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Mining Permit No. 5376SM16. American Asphalt Paving Company, 500 Chase Road, Shavertown, PA 18708, Jackson Township, **Luzerne County.** Correction to a quarry operation to increase the final pit floor elevation to 910 feet MSL affecting 161.7 acres. Receiving streams: Brown's Creek and Hillside Creek. Application received: April 23, 2020. Correction issued: September 15, 2022.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Action(s) Taken on Application(s) 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

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

Contact: RA-EPPottsvilleDMO@pa.gov.

Permit No. 36224138. Abel Construction Co., Inc., P.O. Box 476, Mountville, PA 17554, Manheim Township, **Lancaster County.** Construction blasting for Parkside Reserve Phase 2. Application received: September 1, 2022. Permit issued: September 12, 2022. Expiration date: June 1, 2023.

Permit No. 36224139. Keystone Blasting Service, 15 Hopeland Road, Lititz, PA 17543, Strasburg Township, **Lancaster County.** Construction blasting for Gideon Fisher dwelling. Application received: September 12, 2022. Permit issued: September 14, 2022. Expiration date: October 30, 2022.

Permit No. 40224113. Maine Drilling & Blasting, Inc., P.O. Box 1140, Gardiner, ME 04345, Hazle Township, **Luzerne County.** Construction blasting for Serta. Application received: September 9, 2022. Permit issued: September 14, 2022. Expiration date: September 9, 2023.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (DEP) 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, DEP has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of Sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317), and that the construction will not violate applicable Federal and State Water Quality Standards.

Individuals aggrieved by these actions may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. Appeals must be filed with the Environmental Hearing 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 any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30-days. You do not need a lawyer to file an appeal with the Board.

Individuals in need of accommodations should contact the Environmental Hearing Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Important legal rights are at stake, however, so you should show this notice to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the Secretary to the Board 717-787-3483 for more information.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Action(s) Taken on Application(s) 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.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNNOGPRG@pa.gov.

E5829222-003. Williams Field Services Company, LLC, 30351 Route 6, Wysox, PA 18854, Springville Township, **Susquehanna County**. U.S. Army Corps of Engineers Baltimore District. Application received: April 4, 2022. Issued: September 14, 2022.

To construct, operate, and maintain:

1. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 6,720 square feet (0.15 acre) of palustrine emergent wetland (PEM) and 7,560 square feet (0.01 acre) of palustrine forested wetland (PFO) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 51", Long. -75° 51' 14");

2. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 5,598 square feet (0.13 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 44", Long. -75° 51' 30");

3. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 14,628 square feet (0.34 acre) of palustrine forested wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 45", Long. -75° 51' 56");

4. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 50 lineal feet of Pond Brook (CWF-MF) and 6,982 square feet (0.16 acre) of floodway (Hop Bottom, PA Quadrangle; Lat. 41° 40' 46", Long. -75° 51' 57");

5. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 8,511 square feet (0.20 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 46", Long. -75° 51' 58");

6. a temporary mat/bridge crossing impacting 478 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 47", Long. -75° 52' 02");

7. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 3,043 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 49", Long. -75° 52' 08");

8. a 10-inch diameter natural gas gathering pipeline and temporary mat/bridge crossing impacting 8,442

square feet (0.19 acre) of palustrine emergent wetland (PEM) (Hop Bottom, PA Quadrangle; Lat. 41° 40' 47", Long. -75° 52' 29").

The approximate 8,125 lineal feet Lauer D. P1 Well Connect Pipeline natural gas gathering line project will convey natural gas from the Lauer D. P1 Well to the Garrison Road Loop Pipeline located in Springville Township, Susquehanna County. The project will result in 50 lineal feet of stream impacts, 0.16 acre (6,982 square feet) of floodway impacts, 0.75 acre (32,792 square feet) of PEM wetland impacts, and 0.51 acre (22,188 square feet) of PFO wetland impacts all for the purpose of constructing, operating, and maintaining a natural gas gathering line for conveyance to market.

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

Contact: RA-EPWW-NERO@pa.gov.

E5402222-001. Brewster Land Company, 70 Eighteenth Drive, Franklin, MA 02038, Kline Township, **Schuylkill County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the McAdoo Project: 1) A fill in 0.08 acre of the floodway of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of a cul-de-sac and associated grading. This impact will result in 350 yd³ of fill within the floodway. 2) An outfall within the floodway of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of a 24-inch diameter SLCPP stormwater pipe, concrete endwall, and R-4 riprap apron. 3) An outfall within the floodway of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of an 18-inch diameter RCP stormwater pipe, flared end section, and R-4 riprap apron. 4) An outfall within the floodway of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of a 20-LF extension of an existing 36-inch diameter stormwater culvert and the construction of concrete endwalls. 5) A utility line crossing within the floodway of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of a 6-inch diameter ductile iron water pipe. 6) A utility line crossing of a UNT to East Branch Little Schuylkill River (CWF, MF) consisting of a 6-inch diameter HDPE sewage force main. 7) A fill within a de minimus area of PEM Wetlands (Other) equal to 0.04-acre with work consisting of the construction of a 1,209,600 ft² warehouse building. 8) A fill within a 0.09-acre lacustrine open body of water (CWF, MF) consisting of a 1,209,600 ft² warehouse building. 9) A fill within a 0.02-acre lacustrine open body of water (CWF, MF) consisting of a 1,209,600 ft² warehouse building. The project is located approximately 0.6 mile west of the intersection of S.R. 309 and Lofty Road (Conyngham, Delano, Hazleton, PA Quadrangle Latitude: 40° 52' 29" Longitude: -76° 0' 59") in Kline Township, Schuylkill County. Application received: February 23, 2022.

E4002221-012. Dallas Township, 105 Lt. Michael Cleary Drive, Dallas, PA 18612, Dallas Township, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Dallas Township Park Project: 1) A stream crossing of a UNT to Toby Creek (CWF, MF) consisting of an 8-foot long, 80-foot span steel beam pedestrian walking bridge having an underclearance of 11.2-feet and an R-5 riprap apron adjacent to the concrete abutment walls. 2) A fill in the

floodway of a UNT to Toby Creek (CWF, MF) consisting of grading as well as a 5-foot wide asphalt walking trail adjoining the proposed pedestrian bridge along the eastern abutment. This fill will result in a 0.01-acre impact within the floodway. 3) A fill in the floodway of a UNT to Toby Creek (CWF, MF) consisting of grading as well as a 5-foot wide asphalt walking trail adjoining the proposed pedestrian bridge along the western abutment. This fill will result in a 0.02-acre impact within the floodway. 4) A streambank retaining device consisting of seven (7) 10-foot long, 12-inch diameter Coir Logs installed along the western and eastern banks of a UNT to Toby Creek (CWF, MF). 5) An outfall within the floodway of a UNT to Toby Creek (CWF, MF) consisting of a 12-inch diameter HDPE pipe, flared end section, concrete manhole, and a 6-foot long, 9-foot wide R-4 riprap apron. The project is located approximately 0.14 mile northeast of the intersection of Woodlawn Avenue and Sago Street, Kingston, PA in Dallas Township, Luzerne County. Latitude: 41° 20' 21", Longitude: -75° 57' 35". Application received: August 4, 2021.

E400222-005. AutoZone Development, LLC, 123 South Front Street, Memphis, TN 38103, Wyoming Borough, **Luzerne County**. U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a new AutoZone building, parking lot and subsurface stormwater management system impacting 3,740 ft² (0.086 acre) of the FEMA delineated floodway of Abrahams Creek (CWF, MF). The project is located on the right of Wyoming Avenue in the Midway Shopping Center approximately 2.2 mile after taking the exit to Forty Fort from State Route 309, Pittston, PA, in Wyoming Borough, Luzerne County. Latitude: 41° 18' 6", Longitude: -75° 51' 9". Application received: June 2, 2022.

Northwest Region: Waterways & Wetlands Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPWW-NWRO@pa.gov.

E1606121-003. PA DOT Engineering District 10, 2550 Oakland Avenue, Indiana, PA 15701, Beaver Township, **Clarion County**. U.S. Army Corps of Engineers Pittsburgh District. Latitude: 41.184498°, Longitude: -79.519966°. Application received: October 5, 2021. Issued: September 14, 2022.

To remove the existing SR 0080, Section 365 eastbound (EB) and westbound (WB) bridges over Canoe Creek (Knox, PA Quadrangle N: 41.184498°; W: -79.519966°) in Beaver Township, Clarion County including work the following:

1. Construct and maintain a 5-span WB bridge having a total normal clear span of 1,132 feet, a minimum underclearance of 102.59 feet, and an out-to-out width of 59.4 feet

2. Construct and maintain a 5-span EB bridge having a total normal clear span of 1,132 feet, a minimum underclearance of 114.17 feet, and an out-to-out width of 59.4 feet

3. Rehabilitate and maintain an existing 474-foot long concrete arch stream enclosure having a span of 17 feet and an underclearance of 15.6 feet in UNT Canoe Creek (Knox, PA Quadrangle N: 41.18223°; W: -79.526594°) including repair of structural deficiencies, backfilling of the scoured streambed, and construction of a full-length by full-width bottom slab with full-width alternating baffles;

4. Remove an existing 36-inch diameter RCP stream enclosure and construct and maintain a 399-foot long stream enclosure consisting of a combination of 24- and 36-inch diameter RCP in UNT Canoe Creek (UNT 7)

5. Remove an existing 18-inch diameter RCP and construct and maintain a 65-foot, 18-inch diameter RCP culvert in UNT Canoe Creek (UNT 10)

6. Remove an existing stream enclosure consisting of a combination of 24- and 36-inch diameter RCP and construct and maintain a 300-foot long stream enclosure consisting of a combination of 36- and 42-inch diameter RCP in UNT Canoe Creek (UNT 16)

The project will result in a total of 1,801 feet of permanent stream impacts, 1,215 feet of temporary stream impacts, 0.085 acre of permanent wetland impacts (including 0.07 acre of impacts to EV wetlands) and 0.36 acre of temporary wetland impacts. The project includes a combination of on-site stream mitigation and the purchase of off-site stream mitigation credits at an accredited stream mitigation bank, and debit from the PennDOT's existing Clarion County Wetland Bank Site for permanent wetland impacts.

E6106222-004. Frenchcreek Township, 4507 Georgetown Road, Franklin, PA 16323, Polk Borough, **Venango County**. U.S. Army Corps of Engineers Pittsburgh District.

To remove existing structures and restore the area within the 100-year flood plain of Little Sandy Creek at the existing Frenchcreek Township wastewater treatment plant at 226 Pine School Road in Polk Borough, Venango County. Latitude: 41.376324°, Longitude: -79.921096°. Application received: June 30, 2022. Issued: September 16, 2022.

E2506222-001. Millcreek Ventures, LLC, 500 Seneca Street, Suite 508, Buffalo, NY 14204, Millcreek Township, **Erie County**. U.S. Army Corps of Engineers Pittsburgh District.

To permanently impact 0.43 acre of wetland and a total of 0.05 acre of two UNTs Walnut Creek having contributory drainage of less than 100 acres associated with construction of five apartment buildings, roadways, stormwater management facilities, and other infrastructure located 0.16 mile south of the intersection of Interchange Road on SR 99 (Erie South, PA Quadrangle. N: 42.061050°; W: -80.11340°) in Millcreek Township, Erie County. Wetland replacement will be by purchase of 0.64 wetland credits from First Pennsylvania Resources LLC (DEP File No. MB9915-0001) at Robinson Fork Mitigation bank (DEP File No. MB990563-003). Latitude: 42.061050°, Longitude: -80.11340°. Application received: March 3, 2022. Issued: September 19, 2022.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: 717-705-4802.

E0503222-005. Justin Michaels, 3585 Bismark Rd, Colorado Springs, CO 80922, Monroe Township, **Bedford County**. U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a 54-foot long, 66-inch diameter, 12-inch depressed HDPE culvert with a R-5 rock apron in an Unnamed Tributary (UNT) to Piney Creek (EV, MF) permanently impacting 78 linear feet and temporarily impacting 46 linear feet of the UNT to Piney Creek (EV, MF). The project will also

result in 5,705.25 square feet of permanent and 2,089.39 square feet of temporary impacts to the floodway of the UNT to Piney Creek (EV). All for the purpose of providing driveway access to a single-family residential home site to be constructed near 136 Five Forks Road, Monroe Township, Bedford County. No wetlands will be impacted by this project. Latitude: 39.828895°, Longitude: -78.392043°. Application received: October 5, 2021. Issued: September 16, 2022.

Southeast Region: Waterways & Wetlands Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Elaine Henderson, Clerical Assistant 3, 484-250-5157.

E2301222-004. PECO Energy Company, 2301 Market Street, N3-3, Philadelphia, PA 19103, Radnor Township, **Delaware County**. U.S. Army Corps of Engineers Philadelphia District.

To construct and maintain approximately 900 linear feet (LF) of a new two-inch diameter steel gas main via HDD within Willows Park between Darby-Paoli Road and the Willows Park Preserve Building partially along and across Little Darby Creek and its UNT (CWF-MF) associated with the new gas main for the residential community. The project is located within the Rose Garland building resource parcel, as mapped by the State Historic Preservation Office (SHPO). The site is located within Willows Park between Darby-Paoli Road and the Willows Preserve Building (Norristown, PA USGS Quadrangle) in Radnor Township, Delaware County. Latitude: 40.019690°, Longitude: -75.393581°. Application received: April 21, 2022. Issued: September 12, 2022.

E5101122-004. Pennsylvania Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To remove the existing, I-95 cap at Penn's Landing, and in its place, construct and maintain an expanded cap from South Front Street over I-95 and Christopher Columbus Boulevard between Chestnut and Walnut Streets. This activity is located within the 100-year floodplain of the Delaware River (WWF) resulting in 750,103 square feet (17.22 acres) of temporary floodplain impact due to demolition, construction, staging, and Erosion and Sedimentation Controls and 64,469 square feet (1.48 acres) of permanent floodplain impact due to the construction and maintenance of the newly constructed piers and dividing barrier along I-95. The overall I-95 Central Access Philadelphia Project (I-95 CAP) also includes the placement of fill (E5101122-005) from the retaining wall at Christopher Columbus Boulevard to the waterfront, and the extension of the South Street Pedestrian Bridge (E5101122-006). This project is located at Penn's Landing in Philadelphia County (USGS PA Philadelphia Quadrangle). Latitude: 39.94758°, Longitude: -75.141914°. Application received: April 7, 2022. Issued: September 16, 2022.

E5101122-005. Pennsylvania Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To demolish the great plaza superstructure and columns at Penn's Landing, and in its place, the construction and maintenance of retaining walls and the placement of 3,100 cubic yards of fill to bring the area to grade for the installation of topside amenities. This activity is located within the 100-year floodplain of the Delaware River (WWF) resulting in 391,068 square feet (9 acres) of temporary floodplain impact due to demolition, construc-

tion, staging, and Erosion and Sedimentation Controls and 265,248 square feet (6.1 acres) of permanent floodplain impact due to newly constructed retaining walls and placement of fill. As part of the overall I-95 Central Access Philadelphia Project (I-95 CAP), the fill area will transition from the proposed cap structure over I-95 and Christopher Columbus Boulevard (E5101122-004) to the existing esplanade area along the Delaware River. The I-95 CAP project also includes the extension of the South Street Pedestrian Bridge (E5101122-006). This project is located at Penn's Landing in Philadelphia County (USGS PA Philadelphia Quadrangle). Latitude: 39.945328°, Longitude: -75.14174°. Application received: April 7, 2022. Issued: September 16, 2022.

E5101122-006. Pennsylvania Department of Transportation, 7000 Geerdes Boulevard, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**. U.S. Army Corps of Engineers Philadelphia District.

To extend the existing South Street Pedestrian Bridge which currently terminates at a staircase in a parking lot between I-95 and Christopher Columbus Boulevard. The proposed bridge will extend the South Street Pedestrian Bridge over Christopher Columbus Boulevard and is located within the 100-year floodplain of the Delaware River (WWF). The placement of 150 cubic yards of fill is proposed and is associated with the construction and maintenance of the piers and bridge touchdown areas. This activity will result in 471,096 square feet (10.8 acres) of temporary floodplain impact due to demolition, construction, staging, and Erosion and Sedimentation Controls and 9,078 square feet (0.21 acre) of permanent floodplain impact due to piers and bridge touchdown areas located adjacent to Lombard Circle. The overall I-95 Central Access Philadelphia Project (I-95 CAP) also includes the proposed cap structure over I-95 and Christopher Columbus Boulevard (E5101122-004), and the fill transitioning from Columbus Boulevard to the existing esplanade area along the Delaware River (E5101122-005) at Penn's Landing. This project is located at the South Street Pedestrian Bridge in Philadelphia County (USGS PA Philadelphia Quadrangle). Latitude: 39.940899°, Longitude: -75.143222°. Application received: April 7, 2022. Issued: September 16, 2022.

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Dana Drake, Program Manager, 412-442-4000.

E0205221-009. SL Imperial Business Park, LLC, 195 Morristown Road, Basking Ridge, NJ 07920, North Fayette Township, **Allegheny County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Place and maintain fill within four (4) separate wetlands as follows: WL # 7A (PEM)—2,295 square feet (sf), WL # 8 (PEM/PSS)—1,622 sf, WL # 9A (PEM)—95 sf, and WL # 10A (PEM)—3,644 sf, totaling 7,656 square feet of permanent impact. 2. Construct, operate, and maintain a 15" diameter PCSM drain pipe across wetland WL # 9B. Temporary excavation impacts are to 1,204 square feet of wetlands 7B, 9B, and 10B (PEM) for access and installation. For the purpose of constructing an 88,426 square foot office/warehouse building and related parking areas, PCSM facility, and utilities. Temporary wetland impacts will be restored and a 9,000 square foot mitigation area will be constructed, on site, to compensate for the permanent wetland impacts. Latitude: 40.431922°, Longitude: -80.233900°. Application received: September 19, 2022. Issued: September 16, 2022.

E5605221-004. One Stop Auto Sales, 4220 Glades Pike, Somerset, PA 15501, Somerset Township, **Somerset County**. U.S. Army Corps of Engineers Pittsburgh District.

The applicant has been given consent to: 1. Operate and maintain fill that was previously placed within 0.195 acre of PEM wetlands; 2. Remove previously placed fill from 0.155 acre of the same PEM wetlands, and restore the 0.155 acre of wetlands to original grade; 3. Remove a 50-foot long, 8-inch diameter smooth lined corrugated plastic pipe (SLCPP) outfall structure from an unnamed tributary (UNT) to West Branch Coxes Creek (WWF) and its floodway; 4. Remove a 30-foot long, 6-inch diameter SLCPP from the floodway of the aforementioned UNT; 5. Remove a 60-foot long, 18-inch diameter SLCPP from the floodway of the aforementioned UNT and restore a vegetated swale to pre-disturbance conditions; For the purpose of providing usable property for an auto service garage. Previously approved Permit No. GP035605219-002, which authorized 313 feet of R-4 riprap bank stabilization of the UNT to West Branch Coxes Creek, remains valid. Permanent wetland impacts (0.195 acre) will be mitigated through the purchase of 0.39 acre of wetland mitigation credits (2:1 mitigation requirement) from the Laurel Hill Creek Mitigation Bank within the Youghiogheny River Sub-basin 19. The project site is located at 4220 Glades Pike. Latitude: 40.010833°, Longitude: -79.106389°. Application received: September 19, 2021. Issued: September 16, 2022.

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. 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.

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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.

Eastern District: Oil and Gas Management Program, 208 West Third Street, Williamsport, PA 17701-6448.

Contact: RA-EPEASTERNOGPRG@pa.gov.

ESCGP # 3 **ESG295922001-00**

Applicant Name **Seneca Resources Co, LLC**

Contact Person Josh McLaughlin

Address 5800 Corporate Drive, Suite 300

City, State, Zip Pittsburgh, PA 15237

Township(s) Covington Township

County **Tioga County**

Receiving Stream(s) and Classification(s) UNT to Tan Creek (CWF), Marvin Creek (CWF)

Secondary: Tan Creek (CWF), Tioga River (CWF)

Application received: January 3, 2022

Issued: September 16, 2022

ESCGP # 3 **ESG290822035-00**

Applicant Name **Chesapeake Appalachia, LLC**

Contact Person Eric Haskins

Address 14 Chesapeake Lane

City, State, Zip Sayre, PA 18840

Township(s) Terry Township and Wilmot Township

County **Bradford County**

Receiving Stream(s) and Classification(s) Foster Branch (CWF, MF), UNT to Foster Branch (CWF, MF)

Application received: August 5, 2022

Issued: September 16, 2022

ESCGP # 3 **ESG295922007-00**

Applicant Name **Seneca Resources Co, LLC**

Contact Person Jason Lorenzo

Address 51 Zents Blvd

City, State, Zip Brookeville, PA 15825

Township(s) Chatham Township

County **Tioga County**

Receiving Stream(s) and Classification(s) Crooked Creek (WWF)

Application received: May 31, 2022

Issued: September 16, 2022

ESCGP # 3 **ESG295822018-00**

Applicant Name **BKV OPR, LLC**

Contact Person Heather Moyer

Address 5385 State Route 6

City, State, Zip Tunkhannock, PA 18657

Township(s) Middletown Township

County **Susquehanna County**

Receiving Stream(s) and Classification(s) North Branch Wyalusing Creek (CWF, MF)

Application received: August 5, 2022

Issued: September 20, 2022

Southwest Region: Oil and Gas Management Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Brian Bailey, P.E., Program Manager, 570-974-2604.

ESCGP # 3 **ESX130070011-01**

Applicant Name **PennEnergy Resources, LLC**

Contact Person Cody Salmon

Address 1000 Commerce Drive Park, Place One, Suite 400

City, State, Zip Pittsburgh, PA 15275

Township(s) Marion Township

County **Beaver County**

Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek (WWF)

Secondary; Connoquenessing Creek (WWF)

Application received: July 5, 2022

Issued: September 19, 2022

Contact: D. J. Stevenson, (412) 442-4281

ESCGP # 3 **ESG076321010-00**
 Applicant Name **Range Resources Appalachia, LLC**
 Contact Person Karl Matz
 Address 3000 Town Center Boulevard
 City, State, Zip Canonsburg, PA 15317
 Township(s) Buffalo Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) UNTs to Buffalo
 Creek HQ-WWF
 Application received: September 3, 2021
 Issued: September 16, 2022

ESCGP # 3 **ESG073622003-00**
 Applicant Name **MarkWest Liberty Midstream & Resources, LLC**
 Contact Person Gregory Bezdek
 Address 4600 J Barry Court, Suite 500
 City, State, Zip Canonsburg, PA 15317
 Township(s) Donegal Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) Castleman Run,
 HQ-WWF; Dutch Fork, HQ-WWF; UNT 32804 to
 Castelman Run, HQ-WWF; UNT 32802 to Castelman
 Run, HQ-WWF; UNT 32801 to Castelman Run, HQ-
 WWF; UNT 32849 to Ralston Run, HQ-WWF; Ralston
 Run, HQ-WWF; UNT 32848 to Ralston Run, HQ-WWF;
 UNT 32847 to Ralston Run, HQ-WWF; UNT 32845 to
 Dutch Fork, HQ-WWF
 Application received: March 31, 2022
 Issued: September 16, 2022

ESCGP # 3 **ESG076322008-00**
 Applicant Name **CNX Midstream Operating Company, LLC**
 Contact Person Robert Bassett
 Address 1000 Consol Energy Drive
 City, State, Zip Canonsburg, PA 15317
 Township(s) East Finley Township
 County **Washington County**
 Receiving Stream(s) and Classification(s) Rocky Run,
 TSF; Long Run, WWF; Templeton Fork, TSF
 Application received: June 21, 2022
 Issued: September 20, 2022

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 2

The Following Plan(s) and Report(s) 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 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.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Hazleton Oil and Environmental, Storage Tank Facility ID # **13-50398**, 300 Tamaqua Street, Hazleton, PA 18201, Banks Township, **Carbon County**. Patriot Environmental Management, 2404 Brown Street, Pottstown, PA 19464, on behalf of Hazleton Oil and Environmental, Inc., 300 Tamaqua Street, Hazleton, PA 18201, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with used motor oil. The plan is intended to document the remedial actions for meeting site-specific standards.

151 Memorial Convenience, Storage Tank Facility ID # **40-15486**, 151 Memorial Highway, Dallas, PA 18612, Dallas Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Baljeet Singh, 581 Market Street, Kingston, PA 18704, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan is intended to document the remedial actions for meeting Statewide health standards.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Kwik Fill M26, Storage Tank Facility ID # **61-23788**, 1500 Riverside Drive, Oil City, PA 16301, City of Oil City, **Venango County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Township, PA 16066, on behalf of United Refining Company, 11 Bradley Street, Warren, PA 16365, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline constituents. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Uni Mart 04077, Storage Tank Facility ID # **33-15325**, 512 E. Mahoning Street, Punxsutawney, PA 15767-2127, Punxsutawney Borough, **Jefferson County**. Intertek Professional Service Industries, Inc., 1748 33rd Street, Orlando, FL 32839, on behalf of Uni Mart 04077, 512 E. Mahoning Street, Punxsutawney, PA 15767-2127, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Benzene. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Seneca Mini Mart, Storage Tank Facility ID # **61-18854**, RR 2, Salina Road, Seneca, PA 16346, Cranberry Township, **Venango County**. Insite Group, 611 S. Irvine Avenue, Sharon, PA 16146, on behalf of Harper Oil Company, P.O. Box 1128, Oil City, PA 16301, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Southeast Region: Environmental Cleanup & Brownfields Program, 2 East Main Street, Norristown, PA 19401, 484-250-5900.

Contact: Richard M. Staron, Professional Geologist Manager, 484-250-5717.

Sunoco 0014 3305, Storage Tank Facility ID # **09-30216**, 3419 Street Rd., Bensalem, PA 19020, Bensalem Township, **Bucks County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Evergreen Resources Group LLC, 2 Righter Parkway, Suite 120, Wilmington, DE 19803, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The report is intended to document the remedial actions for meeting residential and nonresidential Statewide health and site-specific standards.

Middletown Township, Delaware County, Storage Tank Facility ID # **23-16484**, 27 N. Pennell Road, Lima, PA 19037, Middletown Township, **Delaware County**. Pennoni, 1900 Market Street, Suite 300, Philadelphia, PA 19103, on behalf of Middletown Township, 27 N Pennell Road, P.O. Box 157, Lima, PA 19037, submitted a Remedial Action Completion Report concerning remediation of soil and groundwater contaminated with unleaded/leaded gasoline and diesel fuel. The report is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Oxford CITGO, Storage Tank Facility ID # **15-28959**, 216 S. 3rd St., Oxford, PA 19363, Oxford Borough, **Chester County**. Aquaterra Technologies, Inc., P.O. Box 744, West Chester, PA 19381, on behalf of Oxford ADP, LLC, 216 South 3rd Street, Oxford, PA 19363, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan is intended to document the remedial actions for meeting nonresidential Statewide health and site-specific standards.

Havertown Auto, Storage Tank Facility ID # **23-43603**, 819 W. Chester Pike, Havertown, PA 19083, Haverford Township, **Delaware County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Mr. Robert Mulhern, 917 General Drive, West Chester, PA 19380, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with Unleaded Gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: Kam Miseikyte, Clerical Assistant 2, 412-442-4091.

Log Cabin Service, Storage Tank Facility ID # **30-09729**, 735 Golden Oaks Road, New Freeport, PA 15352, Freeport Township, **Greene County**. Letterle & Associates, Inc., 2859 Oxford Boulevard, Allison Park, PA

15101, on behalf of Bill Wise, 899 Jollytown Road, New Freeport, PA 15253, submitted a Remedial Action Plan concerning remediation of soil contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

Martin Oil Gallitzin, Storage Tank Facility ID # **11-36116**, 700 Main Street, Gallitzin, PA 16641, Gallitzin Borough, **Cambria County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Martin Oil Company, 528 North 1st Street, Bellwood, PA 16617, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with MBTE. The report is intended to document the remedial actions for meeting nonresidential Statewide health standards.

Frank B Fuhrer Wholesale, Storage Tank Facility ID # **02-81881**, 3100 East Carson Street, Pittsburgh, PA 15203, City of Pittsburgh, **Allegheny County**. P. Joseph Lehman, Inc., P.O. Box 419, Hollidaysburg, PA 16648, on behalf of Frank B. Fuhrer Wholesale, 3100 East Carson Street, Pittsburgh, PA 15203, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with used oil. The plan is intended to document the remedial actions for meeting nonresidential Statewide health standards.

GetGo # 3038, Storage Tank Facility ID # **02-26609**, 5801 Forward Avenue, Pittsburgh, PA 15217, City of Pittsburgh, **Allegheny County**. BJAAM Environmental, Inc., P.O. Box 523, Canal Fulton, OH 44614, on behalf of EZ Energy USA, Inc., 121 North Leavitt Road, # 155, Amherst, OH 44001, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan is intended to document the remedial actions for meeting residential Statewide health standards.

CORRECTIVE ACTION UNDER ACT 32, 1989

PREAMBLE 3

Action(s) Taken 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 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.

DEP may approve or disapprove plans and reports submitted. This notice provides DEP's decision and, if relevant, the basis for disapproval.

For further information concerning plans or reports, please contact the Regional Office Program Manager previously listed in the notice.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

DEP has received the following plans and reports.

Northcentral Region: Environmental Cleanup & Brownfields Program, 208 W. 3rd Street, Suite 101, Williamsport, PA 17701-6448, 570-327-3636.

Contact: Randy Farmerie, P.G., Environmental Program Manager, 570-327-3716.

Liberty Exxon, Storage Tank Facility ID # **59-37298**, 8489 Route 414, Liberty, PA 16930, Liberty Township, **Tioga County**. United Environmental Services, Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Sandhoos, Inc., 165 Lamont Drive, Cogan Station, PA 17728, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with diesel fuel. The report nonresidential demonstrated attainment of the Statewide health standards and was approved by DEP on September 20, 2022.

Northeast Region: Environmental Cleanup & Brownfields Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, 570-826-2511.

Contact: Eric Supey, Environmental Program Manager, 570-826-2511.

Pilot Travel Center 522, Storage Tank Facility ID # **54-50187**, 482 Suedberg Road, Pine Grove, PA 17963, Pine Grove Township, Schuylkill Haven, **Schuylkill County**. United Environmental Services, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Fuel On St. Mary's, LLC, 100 North Wilkes-Barre Boulevard, Suite 322, Wilkes-Barre, PA 18702, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was not acceptable to meet the Statewide health standards and was disapproved by DEP on September 14, 2022.

PSC San Souci, Storage Tank Facility ID # **40-19264**, 21 Main Road, Hanover Township, PA 18706, Hanover Township, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Pragnesh Patel, 2386 Sullivan Trail, Exeter Township, PA 18615, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with gasoline. The plan was acceptable to meet the Statewide health standards and was approved by DEP on September 15, 2022.

Former Ledoretti's Service Station, Storage Tank Facility ID # **40-08235**, 1552 Highway 315, Wilkes-Barre, PA 18702, Plains Township, **Luzerne County**. LaBella Associates, 1000 Dunham Drive, Suite B, Dunmore, PA 18512, on behalf of Joe Coccia, 1552 Highway 315, Wilkes-Barre, PA 18702, submitted a Combined Remedial Action Plan and Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The combined plan and report demonstrated attainment of the site-specific standards and was approved by DEP on September 19, 2022.

Market Convenience, Storage Tank Facility ID # **40-23187**, 581 Market Street, Kingston, PA 18704, Kingston Borough, **Luzerne County**. MEA, 1365 Ackermanville Road, Bangor, PA 18013 on behalf of ANS Real Estate, Inc., 581 Market Street, Kingston, PA 18704, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with gasoline. The report was not acceptable to meet the Statewide health standards and was disapproved by DEP on September 20, 2022.

Northwest Region: Environmental Cleanup & Brownfields Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: Kim Bontrager, Clerical Assistant 3, 814-332-6648.

Uni Mart 04077, Storage Tank Facility ID # **33-15325**, 512 E. Mahoning Street, Punxsutawney, PA 15767-2127, Punxsutawney Borough, **Jefferson County**. Intertek Professional Service Industries, Inc., 1748 33rd Street, Orlando, FL 32839, on behalf of Uni Mart 04077, 512 E. Mahoning Street, Punxsutawney, PA 15767-2127, submitted a Remedial Action Completion Report concerning remediation of groundwater contaminated with Benzene. The report nonresidential did not demonstrate attainment of the Statewide health standards and was disapproved by DEP on September 15, 2022.

Southcentral Region: Environmental Cleanup & Brownfields Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717-705-4700.

Contact: Cherie Campbell, Soil Scientist, 717-705-4705.

Martins Auto Center, Storage Tank Facility ID # **36-61981**, 680 Lancaster Avenue, New Holland, PA 17557-9780, Earl Township, **Lancaster County**. Element Environmental Solutions, Inc., 61 Willow Street, Adamstown, PA 19501, on behalf of Martin Auto Center, 680 Lancaster Avenue, New Holland, PA 17557-9780, submitted a Remedial Action Plan concerning remediation of groundwater contaminated with Petroleum Constituents. The plan nonresidential was acceptable to meet the Statewide health standards and was approved by DEP on September 22, 2022.

Southwest Region: Environmental Cleanup & Brownfields Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000.

Contact: nKam Miseikyte, Clerical Assistant 2, 412-442-4091.

Tri State Petroleum # 202, Storage Tank Facility ID # **02-80807**, 2699 Mossie Boulevard, Monroeville, PA 15146, Monroeville Borough, **Allegheny County**. EnviroTrac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Tri-State Petroleum Corporation, 2627 Vance Avenue, Wheeling, WV 26003, submitted a Remedial Action Plan concerning remediation of soil and groundwater contaminated with unleaded gasoline. The plan nonresidential was acceptable to meet the Statewide health and site-specific standards and was approved by DEP on September 20, 2022.

SPECIAL NOTICES

WATER PROGRAMS

Northwest Region: Clean Water Program, 230 Chestnut Street, Meadville, PA 16335-3481, 814-332-6945.

Contact: RA-EPNPDES_NWRO@pa.gov.

Permit Termination: PAG058394, Groundwater Cleanup, **Soha Enterprises, Inc.**, 205 West 10th Street, Erie, PA 16501. Facility Name: Stateline Travel Plaza. This existing facility is located in Springfield Township, **Erie County**. Pursuant to 25 Pa. Code §§ 92a.54(f) and 92a.54(e)(2), on August 10, 2022, the Department attempted to provide notice of its intent to terminate coverage under the PAG-05 General Permit for failure to comply with one or more conditions of the PAG-05 General Permit. The discharge at the facility location authorized by the PAG-05 General Permit has ceased. The permit termination will become effective upon publication of this notice.

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. 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. 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. Individuals 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. 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. Important legal rights are at stake, however, so individuals should contact a lawyer at once.

Individuals in need of accommodations should contact DEP through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

For actions taken on applications for pipelines that are regulated by the Federal Energy Regulatory Commission (FERC).

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. §§ 717 et seq., is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending).

NPDES PUBLIC NOTICE

Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities.

Northwest Regional Office: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335, 814.332.6945.

Contact: RA-EPWW-NWRO@pa.gov.

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named as follows to authorize discharges of stormwater associated with construction activities from the project site named as follows to surface waters of the Commonwealth.

<i>Applicant and Address</i>	<i>Application Number</i>	<i>Project Site Name and Address</i>	<i>Municipality/ County</i>	<i>Total Earth Disturbance Area</i>	<i>Surface Waters Receiving Stormwater Discharges</i>
Laurel Hills Partners LP 361 Mars Valencia Road Mars, PA 16046	NPDES Permit No. PAD100017	Laurel Hills Dev South Pike Road Sarver, PA 16055	Buffalo Township Butler County	29.63 acres	Sarver Run (HQ, TSF), UNT Little Buffalo Creek (HQ-TSF)

Project Description: To construct a residential development containing 98 residential units. The project will consist of 24 buildings containing 4 residential units and 1 building containing 2 residential units, new roadways, stormwater management facilities, and all other amenities needed for a residential development

The Department of Environmental Protection (DEP) has made a tentative decision to deny the application for the Individual NPDES Permit. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 814.332.6945.

Application for National Pollutant Discharge Elimination System (NPDES) Permit for Discharges of Stormwater Associated with Construction Activities.

Northwest Regional Office: Waterways and Wetlands Program, 230 Chestnut Street, Meadville, PA 16335, 814.332.6945.

Contact: RA-EPWW-NWRO@pa.gov.

The Department of Environmental Protection (DEP) has received an application for an Individual NPDES Permit from the applicant named as follows to authorize discharges of stormwater associated with construction activities from the project site named as follows to surface waters of the Commonwealth.

Applicant and Address	Application Number	Project Site Name and Address	Municipality/County	Total Earth Disturbance Area	Surface Waters Receiving Stormwater Discharges
Twin Oaks Development LLC P.O. Box 297 Wexford, PA 15090	NPDES Permit No. PAD100018	Twin Oaks Phases 4 and 5 Twin Oaks Drive Sarver, PA 16055	Buffalo Township Butler County	40.53 acres	UNT to Little Buffalo Creek (HQ, TSF)

Project Description: To construct a Planned Residential Development with 100 single family homes, all lot owners being part of a homeowners association. This development will include new roadways, sidewalks, utilities, stormwater management facilities, and other necessary features for a residential development.

The Department of Environmental Protection (DEP) has made a tentative decision to deny the application for the Individual NPDES Permit. Interested persons may submit written comments to DEP at the previously listed address for DEP's consideration in taking a final action on the permit application. You may also review the permit application file by contacting DEP's File Review Coordinator at 814.332.6945.

EROSION AND SEDIMENT CONTROL

Central Office: Regional Permit Coordination Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Contact: EPREGIONALPERMIT@pa.gov.

ESG830022002-00. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities. Central Connector Project will include upgrades to existing metering and regulator stations. The construction will include the Stull M&R Upgrade, the Mars Crider M&R Upgrade, in **Butler County**, and the Gibsonia M&R Upgrade, the Cedar Ridge M&R Upgrade and the coxcomb M&R Upgrade in **Allegheny County**.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG830022002-00	Eastern Gas Transmission & Storage, Inc. 925 White Oaks Blvd Bridgeport, WV 26330	Allegheny County Washington County Westmoreland County	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The State and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 *et seq.*, is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), cert. denied, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

Contact: RA-EPREGIONALPERMIT@pa.gov.

EROSION AND SEDIMENT CONTROL

ESG830022003-00. The Department of Environmental Protection (Department) provides notice of final action regarding the following Chapter 102, Erosion and Sediment Control Permit Application related to Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities for the LN-35 MAOP Restoration Project. The project proposes approximately 15.5 acres of earth disturbance to test for pipeline leaks, recoat pipelines, or replace sections of pipeline at nine areas of pipeline within **Allegheny, Beaver** and **Butler Counties**.

Permit No.	Applicant Name & Address	Counties	DEP Office
ESG830022003-00	Eastern Gas Transmission & Storage, Inc. 925 White Oaks Blvd Bridgeport, WV 26330-6919	Allegheny County Beaver County and Butler County	Regional Permit Coordination Office

Any person aggrieved by this action may challenge it in an appropriate legal forum. The state and Federal courts are currently split on whether the proper forum to challenge a Department permit, authorization or approval for a facility or activity subject to the Federal Natural Gas Act, 15 U.S.C.A. § 717 *et seq.*, is the United States Court of Appeals for the Third Circuit or the Pennsylvania Environmental Hearing Board. See *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 833 F.3d 360 (3d Cir. 2016); *Delaware Riverkeeper Network v. Sec'y, Dep't of Env'tl. Prot.*, 903 F.3d 65 (3d Cir. 2018), *cert. denied*, 139 S. Ct. 1648, 203 L. Ed. 899 (2019) and *Cole v. Dep't. of Env'tl. Prot.*, 1577 C.D. 2019 WL 2420667 (Pa. Cmwlth Ct. June 15, 2021) (Pet. for Allowance of Appeal pending); *West Rockhill Twp. v. Dep't of Env'tl. Prot.*, No. 1595 C.D. 2019 WL 2426014 (Pa. Cmwlth. June 15, 2021) (Pet. for Allowance of Appeal pending). You should promptly consult with a lawyer on the steps to take if you wish to challenge this action and to best protect your interests. Important legal rights are at stake. You should show this document to a lawyer at once.

[Pa.B. Doc. No. 22-1517. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Quality Technical Advisory Committee Meeting Cancellation

The October 13, 2022, meeting of the Air Quality Technical Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Thursday, December 8, 2022, at 9:15 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting ra-epAQTAC@pa.gov or Joseph Martini at (717) 772-5619.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Air," then "Air Quality Technical Advisory Committee").

Individuals are encouraged to visit the Committee's webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the December 8, 2022, meeting can be directed to ra-epAQTAC@pa.gov or Joseph Martini at (717) 772-5619.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Joseph Martini at (717) 772-5619 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1518. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Cooking in Healthy Electrified Commercial Kitchens Rebate Program

The Department of Environmental Protection (Department) announces the availability of a new rebate program, Cooking in Healthy Electrified Commercial Kitchens

(Program), to help commercial kitchens in this Commonwealth modernize and become healthier places to work by means of energy efficiency and electrification. The Program provides rebates to nonprofits, higher education institutions and K–12 schools for a variety of combustion-free cooking equipment, as well as associated electrical upgrades.

To qualify for the rebate, the applicant must be one of the following entities: a Commonwealth-based K–12 school district, a higher education institution, a not-for-profit hospital or a nonprofit whose mission is geared toward community services, such as soup kitchens, shelters or food banks. A representative from the school, institution or nonprofit must also attend either a Program online training or in-person workshop to apply for the rebate. The application must be submitted to the Department prior to the installation of the equipment. Equipment purchase costs are eligible, as well as associated electrical infrastructure upgrades to accommodate additional load. Rebates will be offered on a first-come, first-served basis in the order in which they are received, until June 30, 2023, or when funds are depleted, whichever comes first. Up to 50% of the rebates will be allotted for buildings located in environmental justice communities, as defined by the Department's Office of Environmental Justice. Approved applicants will be issued a voucher, install eligible equipment and submit a payment request form with required documentation to the Department to receive rebate moneys.

The following rebates are offered for commercial kitchens by eligible entities:

- \$2,500 rebate for ENERGY STAR certified steam cooker, fryer, combination oven, convection oven, griddle, hot food holding cabinet (up to 50% of purchase cost).
- \$3,000 rebate for demand control kitchen ventilation system (up to 50% of purchase cost).
- \$3,000 rebate for induction range, wok, griddle (up to 50% of purchase cost).
- \$1,000 rebate for associated electrical infrastructure upgrades to accommodate additional load (up to 50% of infrastructure cost).

Applicants may apply under each category, but no more than a total of \$5,000 in rebates will be issued to any one applicant.

The Program guidelines and application instructions are available on the Department's web site at <https://www.dep.pa.gov/CommercialBuildings>.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site at www.esa.dced.state.pa.us/Login.aspx. Hardcopy applications will not be accepted. The Department will begin

accepting applications on October 1, 2022. Applications must be received by 11:59 p.m. Friday, June 30, 2023.

Questions concerning the rebate program can be directed to Heidi Kunsch at hekunsch@pa.gov or (717) 214-4243.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1519. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Nutrient Credit Trading Program; Mass Certifications for Significant Sewage Point Source Discharges in the Chesapeake Bay Watershed with Cap Loads

The Department of Environmental Protection (Department) provides notice of a mass certification of pollutant reduction activities to generate credits action under the Nutrient Credit Trading Program (Trading Program). This action is taken under 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

At 52 Pa.B. 5008 (August 13, 2022), the Department provided notice of its intent under the Nutrient Trading Program to issue a mass certification to all significant sewage point source discharges located in the Commonwealth portion of the Chesapeake Bay watershed that have annual mass load effluent limitations (cap loads) in their National Pollutant Discharge Elimination System (NPDES) permits. Comments on this proposal were accepted until September 12, 2022.

A list of these significant sewage point sources can be found in Table 5 of the Phase 3 Watershed Implementation Plan (WIP) Wastewater Supplement, available on the Department's web site at www.dep.pa.gov/npdes-bay or www.dep.pa.gov/nutrient_trading (select "Delivery Ratio Credits vs Pounds"). The table of significant sewage point sources is linked as the "Point Source Credit Generators Table". Also see 25 Pa. Code § 96.8, published at 40 Pa.B. 5790 (October 9, 2010).

Credit Certification

Effective October 1, 2021, source discharges with an assigned cap load (see Table 5 of the Phase 3 WIP Wastewater Supplement) must demonstrate compliance with cap loads and achieve net effluent concentrations below 6.0 mg/L total nitrogen and 0.8 mg/L total phosphorus (baseline concentrations) during the compliance year in accordance with the procedures described in the Phase 3 WIP Nutrient Trading Supplement Draft, which is available at www.dep.pa.gov/nutrient_trading. (Select "Trading Program Overview"). In addition:

- To generate credits, facilities must demonstrate they are in compliance with their NPDES permit.
- The total amount of credits the facility is certified to generate cannot exceed its permitted cap load.
- The calculation of credits will be made using formulas described in the Phase 3 WIP Nutrient Trading Supplement Draft.
- This point source certification will expire September 30, 2027.

To ensure that verification is complete in time for credit availability to be posted on the Department web site, facilities are encouraged to provide the Department with their verification requests by October 28th each year. Verification requests must include a complete Annual Chesapeake Bay Spreadsheet for the compliance year in which the credits were generated (that is, October 1 through September 30). The Annual Chesapeake Bay Spreadsheet is available at www.dep.pa.gov/nutrient_trading (select "Have credits to sell?"). Verification forms and instructions are found on the "Credit Trading Process" page at www.dep.pa.gov/nutrient_trading.

Persons aggrieved by this action may appeal the 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) to the Environmental Hearing Board, Rachel Carson State Office Building, 2nd Floor, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457. TDD users may contact the Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A notice of appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at (717) 787-3483. The notice of appeal form and the Board's rules are also available in Braille and on audiotape from the Secretary to the Board.

Important legal rights are at stake. 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. A lawyer is not needed to file a notice of appeal with the Board.

For individuals who wish to challenge this action, appeals must be filed with and received by the Board within 30 days of receipt of notice of this action.

For further information about this action or the Trading Program, contact the Division of Operations, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 787-6744, RA-EPPANutrientTrad@pa.gov or visit the Department's web site at www.dep.pa.gov/nutrient_trading.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1520. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Public Notice of Draft National Pollutant Discharge Elimination System General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12)

The Department of Environmental Protection (Department) is announcing the availability of a draft National

Pollutant Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (PAG-12). The draft General Permit and related documents are available online at www.dep.greenport.state.pa.us/elibrary/ (select "Permit and Authorization Packages," then "Clean Water," then "PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations 3800-PM-BCW0173").

The PAG-12 General Permit is intended to provide NPDES permit coverage to persons operating Concentrated Animal Feeding Operations (CAFO) within this Commonwealth in satisfaction of State and Federal NPDES permit requirements, as established in 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance), where the CAFOs meet the eligibility requirements of the PAG-12 General Permit.

The following changes are proposed for the PAG-12 General Permit and related documents:

- The Department is planning to remove the requirement for existing operations that will become CAFOs as a result of new standard animal weights to apply for NPDES permit coverage no later than April 1, 2019, as this requirement is no longer applicable.
- The Department is proposing to remove language in the General Permit concerning possible revocation of coverage or enforcement action in the event a CAFO fails to submit an annual report or pay an annual Notice of Intent (NOI) installment fee because the language is unnecessary (for example, the Department may take appropriate action for any noncompliance, not just failure to submit reports and fees).
- The definitions for 25-year/24-hour storm and 100-year/24-hour storm have been updated to refer to National Oceanic and Atmospheric Administration Atlas 14-point precipitation frequency estimates, which replaced the National Weather Service's Technical Paper 40.
- The Department is proposing to clarify that the Nutrient Management Plan (NMP) must contain a determination of adequate manure storage capacity for the winter period and provide sufficient capacity at the start of winter to implement the NMP for liquid and semisolid manure storage facilities only.
- Clarification is proposed in the General Permit that the regulatory freeboard of 12 inches applies to any manure storage facility that is exposed to direct precipitation (in addition to ponds and impoundments) and the regulatory freeboard of 6 inches applies to any manure storage facility that is not exposed to direct precipitation, on operations with less than 1,000 animal equivalent units.
- Clarification is proposed that in addition to monitoring drainage from leak detection systems beneath ponds and impoundments, monitoring must be done for any manure storage facility that is in-ground or below ground and has a leak detection system.
- The Department proposes to clarify that a Water Quality Management permit is required to construct any manure storage facility that is exposed to direct precipitation (in addition to ponds and impoundments) and will have a liquid and semi-solid manure storage capacity of between 1 and 2.5 million gallons where the nearest downgradient surface water is classified as a High Quality or Exceptional Value Water or is impaired for nutrients due to agricultural activities.

- The Department is proposing to require the inclusion of operation-specific methods for the management or disposal of mass animal mortalities in an operation's Preparedness, Prevention and Contingency Plan or emergency response plan that is required in NMPs. This information would need to be submitted with the NOI to remain covered under PAG-12.

Other changes are described in the draft fact sheet for the PAG-12 General Permit.

Written Comments

Interested persons are invited to submit written comments regarding the draft PAG-12 General Permit and associated documents through Monday, October 31, 2022. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments, including comments submitted by e-mail, must include the commentator's name and address. Comments submitted by facsimile will not be accepted.

Written comments submitted during the 30-day comment period will be retained by the Department and considered in finalizing the General Permit. The Department will provide an opportunity for any interested person or group of persons, any affected state, any affected interstate agency, the United States Environmental Protection Agency or any interested agency to request or petition for a public hearing with respect to the proposed General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

RAMEZ ZIADEH, P.E.,
Acting Secretary

[Pa.B. Doc. No. 22-1521. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Small Business Compliance Advisory Committee Meeting Cancellation

The October 26, 2022, meeting of the Small Business Compliance Advisory Committee (Committee) is cancelled. The next Committee meeting is scheduled for Wednesday, February 15, 2023, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Individuals may attend the meeting in person or remotely. Individuals interested in providing public comments during the meeting are encouraged to sign up in advance by contacting Lucas Hershey at luchershey@pa.gov or (717) 787-7019.

Information on how to join the meeting remotely, as well as agenda and meeting materials, will be available on the Committee's webpage, found through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov

(select “Public Participation,” then “Advisory Committees,” then “Air,” then “Small Business Compliance Advisory Committee”).

Individuals are encouraged to visit the Committee’s webpage to confirm meeting date, time and location prior to each meeting. Questions concerning the February 15, 2023, meeting can be directed to Lucas Hershey at luchershhey@pa.gov or (717) 787-7019.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-9702 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

RAMEZ ZIADEH, P.E.,
Acting Secretary

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DEPARTMENT OF REVENUE

Pennsylvania Match 2 Win Fast Play Game 5175

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name*: The name of the lottery game is Pennsylvania Match 2 Win (hereinafter “Match 2 Win”). The game number is PA-5175.

2. *Definitions*:

(a) *Authorized retailer or retailer*: A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(b) *Bar code*: The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(c) *Game Ticket*: A bearer instrument produced through a Lottery Terminal that is the player’s record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(d) *Lottery Central Computer System*: The computer gaming system on which all Fast Play plays are recorded.

(e) *Lottery Terminal*: A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(f) *MATCH 2 TOO*: When two matching “Prize” symbols appear in the play area, the player wins two times the matching prize amount. “MATCH 2 TOO” is played separately.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket, which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area, which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *ROW*: A specific, pre-defined portion of the play area, which contains four “ROW” play symbols and a “Prize” symbol in a horizontal line that, when played according to the instructions, determines whether a player wins a prize. Each “ROW” is played separately.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in each “ROW”, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *ROW Play Symbols*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the “WINNING NUMBERS” area, determine whether a player wins a prize.

3. *Price*: The price of a Match 2 Win ticket is \$2.

4. *Description of the Match 2 Win Fast Play lottery game*:

(a) The Match 2 Win lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Match 2 Win tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Match 2 Win is played by matching any two of the “ROW” play symbols located in the same “ROW” to any of the play symbols located in the “WINNING NUMBERS” area. A player matching play symbols in this manner will win the prize shown in the “Prize” area to the right of that “ROW.” A bet slip is not used to play this game. Each “ROW” is played separately.

(c) Match 2 Win is also played by matching two like “Prize” symbols in the play area to win a “MATCH 2 TOO” prize. A player matching “Prize” symbols in this manner will win a prize of two times the matching prize amount. “MATCH 2 TOO” is played separately.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) A Match 2 Win game ticket cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Match 2 Win game ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Match 2 Win game ticket and select the Match 2 Win option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Match 2 Win ticket characteristics:*

(a) A Match 2 Win ticket shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols:* Each Match 2 Win ticket play area will contain a "WINNING NUMBERS" area, four "ROWS" designated as "ROW 1," "ROW 2," "ROW 3" and "ROW 4." Each "ROW" is played separately. The play symbols and their captions, located in the "WINNING NUMBERS" area and each "ROW," are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV).

(c) *Prize Symbols:* The prize symbols and their captions, located to the right of each "ROW," are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$15.⁰⁰ (FIFTEEN), \$20.⁰⁰ (TWENTY), \$30.⁰⁰ (THIRTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$12,000 (TWELVTHO).

(d) *Prizes:* The prizes that can be won in this game, are: \$2, \$4, \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$500 and \$12,000. Match 2 Win contains a "MATCH 2 TOO" feature that can multiply the prize won. "MATCH 2 TOO" is played separately. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to five times on a ticket.

(e) *Approximate number of tickets available for the game:* Approximately 600,000 tickets will be available for sale for the Match 2 Win lottery game.

6. *Prizes available to be won and determination of prize winners:*

(a) All Match 2 Win prize payments will be made as one-time, lump-sum cash payments.

(b) Determination of prize winners for holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols:

(1) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$12,000 (TWELVTHO) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$12,000.

(2) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$500.

(3) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize

symbol of \$100 (ONE HUN) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$100.

(4) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50.⁰⁰ (FIFTY) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$50.

(5) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$30.⁰⁰ (THIRTY) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$30.

(6) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20.⁰⁰ (TWENTY) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$20.

(7) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$15.⁰⁰ (FIFTEEN) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$15.

(8) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10.⁰⁰ (TEN DOL) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$10.

(9) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5.⁰⁰ (FIV DOL) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$5.

(10) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$4.⁰⁰ (FOR DOL) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$4.

(11) Holders of tickets upon which two of the "ROW" play symbols, located in the same "ROW," match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2.⁰⁰ (TWO DOL) appears in the "Prize" area for that "ROW," on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of "MATCH 2 TOO" prize winners for holders of tickets upon which two matching "Prize" symbols appear in the play area:

(1) Holders of tickets upon which two matching "Prize" symbols of \$50.⁰⁰ (FIFTY) appear in the play area, on a single ticket, shall be entitled to a prize of \$100.

(2) Holders of tickets upon which two matching “Prize” symbols of \$30^{.00} (THIRTY) appear in the play area, on a single ticket, shall be entitled to a prize of \$60.

(3) Holders of tickets upon which two matching “Prize” symbols of \$20^{.00} (TWENTY) appear in the play area, on a single ticket, shall be entitled to a prize of \$40.

(4) Holders of tickets upon which two matching “Prize” symbols of \$15^{.00} (FIFTEEN) appear in the play area, on a single ticket, shall be entitled to a prize of \$30.

(5) Holders of tickets upon which two matching “Prize” symbols of \$10^{.00} (TEN DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets upon which two matching “Prize” symbols of \$5^{.00} (FIV DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets upon which two matching “Prize” symbols of \$4^{.00} (FOR DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$8.

(8) Holders of tickets upon which two matching “Prize” symbols of \$2^{.00} (TWO DOL) appear in the play area, on a single ticket, shall be entitled to a prize of \$4.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When You Match Any Of The “WINNING NUMBERS” To 2 Of The Numbers In The Same “ROW,” Win “PRIZE” Shown for That “ROW.” Win With:</i>	<i>“MATCH 2 TOO”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$2		\$2	8.33	72,000
	\$4 w/ 2—\$2s	\$4	25	24,000
\$4		\$4	100	6,000
\$5		\$5	33.33	18,000
\$2	\$8 w/ 2—\$4s	\$10	83.33	7,200
	\$10 w/ 2—\$5s	\$10	333.33	1,800
\$10		\$10	500	1,200
\$10 + \$5		\$15	1,000	600
\$5 + \$2	\$8 w/ 2—\$4s	\$15	333.33	1,800
\$5	\$10 w/ 2—\$5s	\$15	333.33	1,800
\$15		\$15	1,000	600
\$15 + \$5		\$20	2,000	300
\$5 × 2	\$10 w/ 2—\$5s	\$20	333.33	1,800
\$10 + \$2	\$8 w/ 2—\$4s	\$20	500	1,200
\$10 + \$4 + \$2	\$4 w/ 2—\$2s	\$20	500	1,200
\$10	\$10 w/ 2—\$5s	\$20	333.33	1,800
	\$20 w/ 2—\$10s	\$20	1,000	600
\$20		\$20	2,000	300
\$15 + \$10 + \$5		\$30	6,000	100
\$20 + \$10		\$30	6,000	100
\$20 + \$4 + \$2	\$4 w/ 2—\$2s	\$30	2,400	250
\$15 + \$5	\$10 w/ 2—\$5s	\$30	2,000	300
\$20 + \$2	\$8 w/ 2—\$4s	\$30	2,000	300
\$10	\$20 w/ 2—\$10s	\$30	2,400	250
	\$30 w/ 2—\$15s	\$30	3,000	200
\$30		\$30	6,000	100
\$20 + \$15 + \$10 + \$5		\$50	24,000	25
\$30 + \$20		\$50	24,000	25
(\$5 × 2) + \$20 + \$10	\$10 w/ 2—\$5s	\$50	6,000	100
\$20 + \$10	\$20 w/ 2—\$10s	\$50	6,000	100
\$30 + \$10	\$10 w/ 2—\$5s	\$50	8,000	75
\$20	\$30 w/ 2—\$15s	\$50	12,000	50

<i>When You Match Any Of The "WINNING NUMBERS" To 2 Of The Numbers In The Same "ROW," Win "PRIZE" Shown for That "ROW." Win With:</i>	<i>"MATCH 2 TOO":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$10	\$40 w/ 2—\$20s	\$50	12,000	50
\$50		\$50	24,000	25
\$50 + \$30 + \$15 + \$5		\$100	40,000	15
\$30 + \$10	\$60 w/ 2—\$30s	\$100	40,000	15
\$50 + \$30	\$20 w/ 2—\$10s	\$100	40,000	15
(\$5 × 2) + \$50 + \$30	\$10 w/ 2—\$5s	\$100	30,000	20
(\$20 × 2) + \$15 + \$5	\$40 w/ 2—\$20s	\$100	30,000	20
	\$100 w/ 2—\$50s	\$100	60,000	10
\$100		\$100	60,000	10
\$500		\$500	60,000	10
\$12,000		\$12,000	200,000	3

MATCH 2 TOO: When you match 2 like PRIZE amounts, win 2 TIMES that amount instantly.

MATCH 2 TOO is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent

value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Match 2 Win lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Match 2 Win lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single

installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Match 2 Win or through normal communications methods.

19. *Applicability:* This notice applies only to the Match 2 Win lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1523. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Rake It In Fast Play Game 5174

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 803.11 (relating to powers and duties of the Secretary of Revenue), the Secretary of Revenue hereby provides public notice of the rules for the following lottery game:

1. *Name:* The name of the lottery game is Pennsylvania Rake It In (hereinafter "Rake It In"). The game number is PA-5174.

2. *Definitions:*

(a) *ACORN ADD-ON:* The area at the bottom of a Rake It In lottery game ticket containing one play/prize symbol that, when played according to the instructions, determines whether the player increases the total prize won by any prize amount that appears. "ACORN ADD-ON" prizes cannot be won alone.

(b) *Authorized retailer or retailer:* A person who is properly licensed by the Lottery pursuant to 61 Pa. Code §§ 805.1—805.17.

(c) *Bar code:* The symbology on the ticket containing certain encrypted validation and accounting data used for identifying winning and losing tickets.

(d) *Game Ticket:* A bearer instrument produced through a Lottery Terminal that is the player's record of a play for a Fast Play lottery game and sold by an authorized retailer containing the play and validation data as published in this game notice.

(e) *Lottery Central Computer System:* The computer gaming system on which all Fast Play plays are recorded.

(f) *Lottery Terminal:* A device authorized by the Lottery to function in an interactive mode with the Lottery Central Computer System for the purpose of issuing plays, executing Quick Pick selections, and entering, receiving, and processing lottery transactions, including making purchases, validating plays, transmitting reports and performing inventory functions.

(g) *Play*: A chance to participate in a particular Fast Play lottery game.

(h) *Play Area*: The area on a ticket which contains one or more play symbols.

(i) *Play Symbol*: A number, letter, symbol, image or other character found in the play area which is used to determine whether a player wins a prize.

(j) *Prize*: A non-monetary item, money, or experience that can be won as specified in section 6 (relating to prizes available to be won and determination of prize winners) of this game notice.

(k) *WHEELBARROW WINALL NUMBER*: The area at the top of a Rake It In lottery game ticket containing one play symbol that, when matched against the play symbols in the "WINNING NUMBERS" area according to the instructions, determines whether the player wins all 12 prizes shown in the "YOUR NUMBERS" area. The "ACORN ADD-ON" does not increase a "WHEELBARROW WINALL NUMBER" prize.

(l) *WINNING NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "YOUR NUMBERS" area, determine whether a player wins a prize.

(m) *Winning ticket*: A game ticket which has been validated and qualifies for a prize.

(n) *YOUR NUMBERS*: The numbers, letters, symbols or other characters found in the play area that, when matched against the play symbols in the "WINNING NUMBERS" area, determine whether a player wins a prize.

3. *Price*: The price of a Rake It In ticket is \$5.

4. *Description of Rake It In Fast Play lottery game*:

(a) Rake It In lottery game is an instant win game printed from a Lottery Terminal. All prizes are predetermined, and the player does not have the ability to select their own play symbols. Rake It In tickets may be purchased from an authorized retailer or at a Lottery self-service terminal that sells terminal-based Lottery game tickets. Tickets purchased from an authorized retailer shall be printed on-demand at the time of purchase and may not be preprinted by the retailer.

(b) Rake It In is played by matching any of the play symbols located in the "YOUR NUMBERS" area to any of the play symbols located in the "WINNING NUMBERS" area. A player matching play symbols in this manner will win the prize shown under the matching "YOUR NUMBERS" play symbol. Whenever a player wins a prize in the "YOUR NUMBERS" area and a prize amount appears in the "ACORN ADD-ON" area, the player adds the amount shown to the total won and wins that amount. A bet slip is not used to play this game.

(c) Rake It In is also played by matching any of the "WINNING NUMBERS" play symbols to the "WHEELBARROW WINALL NUMBER." Players matching play symbols in this manner will win all 12 prizes shown in the "YOUR NUMBERS" area. The "ACORN ADD-ON" does not increase a "WHEELBARROW WINALL NUMBER" prize.

(d) Players can win the prizes identified in section 6 (relating to prizes available to be won and determination of prize winners).

(e) Rake It In tickets cannot be canceled or voided once printed by the Lottery Terminal, even if printed in error.

(f) To purchase a ticket at an authorized retailer, a player must remit the purchase price to the retailer and verbally request a Rake It In ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

(g) To purchase a ticket at a Pennsylvania Lottery self-service terminal, the player must insert into the self-service terminal a dollar amount equal to the total purchase price of a Rake It In ticket and select the Rake It In option on the Lottery self-service terminal. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize.

5. *Rake It In ticket characteristics*:

(a) Rake It In tickets shall contain a play area, the cost of the play, the date of sale and a bar code.

(b) *Play Symbols*: Rake It In tickets will contain a "WINNING NUMBERS" area, a "YOUR NUMBERS" area, an "ACORN ADD-ON" area and a "WHEELBARROW WINALL NUMBER" area. The play symbols and their captions, located in the "WINNING NUMBERS" area, the "YOUR NUMBERS" area and the "WHEELBARROW WINALL NUMBER" area, are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTY), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY). The play/prize symbols and their captions, located in the "ACORN ADD-ON" area, are: Chipmunk (NOWIN) symbol, Squirrel (NOWIN) symbol, Bear (NOWIN) symbol, Raccoon (NOWIN) symbol, Bird (NOWIN) symbol, \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN) and \$500 (FIV HUN).

(c) *Prize Symbols*: The prize symbols and their captions, located in the "YOUR NUMBERS" area, are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$25⁰⁰ (TWY FIV), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$75,000 (SVYFIVTHO).

(d) *Prizes*: The prizes that can be won in this game, are: \$5, \$10, \$25, \$50, \$100, \$200, \$500, \$1,000, \$5,000 and \$75,000. Rake It In contains a feature that can increase the value of the total prize won. For a complete list of prizes, and how those prizes can be won, see section 7 (relating to number and description of prizes and approximate chances of winning). A player can win up to 13 times on a ticket.

(e) *Approximate number of tickets available for the game*: Approximately 600,000 tickets will be available for sale for the Rake It In lottery game.

6. *Prizes available to be won and determination of prize winners*:

(a) All Rake It In prize payments will be made as one-time, lump-sum cash payments.

(b) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING NUMBERS" play symbols and a prize symbol of \$75,000 (SVYFIVTHO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$75,000.

(c) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols match any of the "WINNING

(hh) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in five of the “Prize” areas and a prize symbol of \$5.00 (FIV DOL) appears in five of the “Prize” areas, and upon which a play/prize symbol of \$25.00 (TWY FIV) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$100.

(ii) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in three of the “Prize” areas, and upon which a play/prize symbol of \$25.00 (TWY FIV) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$100.

(jj) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in two of the “Prize” areas, and upon which a play/prize symbol of \$50.00 (FIFTY) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$100.

(kk) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in five of the “Prize” areas, and upon which a play/prize symbol of \$50.00 (FIFTY) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$100.

(ll) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(mm) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$25.00 (TWY FIV) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$50.

(nn) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in four of the “Prize” areas and a prize symbol of \$5.00 (FIV DOL) appears in one of the “Prize” areas, and upon which a play/prize symbol of \$5.00 (FIV DOL) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$50.

(oo) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in two of the “Prize” areas and a prize symbol of \$5.00 (FIV DOL) appears in one of the

“Prize” areas, and upon which a play/prize symbol of \$25.00 (TWY FIV) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$50.

(pp) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in four of the “Prize” areas, and upon which a play/prize symbol of \$10.00 (TEN DOL) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$50.

(qq) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, shall be entitled to a prize of \$25.

(rr) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in one of the “Prize” areas and a prize symbol of \$5.00 (FIV DOL) appears in one of the “Prize” areas, and upon which a play/prize symbol of \$10.00 (TEN DOL) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$25.

(ss) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in two of the “Prize” areas, and upon which a play/prize symbol of \$5.00 (FIV DOL) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$25.

(tt) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(uu) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, and upon which a play/prize symbol of \$5.00 (FIV DOL) appears in the “ACORN ADD-ON” area, on a single ticket, shall be entitled to a prize of \$10.

(vv) Holders of tickets upon which any of the “YOUR NUMBERS” play symbols match any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

7. *Number and description of prizes and approximate chances of winning:* The following table sets forth the approximate number of winners, amounts of prizes and approximate chances of winning:

<i>When Any Of “YOUR NUMBERS” Match Any “WINNING NUMBER,” Win Prize Shown Under The Matching Number. Win With:</i>	<i>“ACORN ADD-ON”:</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$5		\$5	7.69	78,000

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"ACORN ADD-ON":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
\$5 × 2		\$10	66.67	9,000
\$5	\$5	\$10	20	30,000
\$10		\$10	66.67	9,000
\$5 × 5		\$25	200	3,000
\$10 × 2	\$5	\$25	100	6,000
\$10 + \$5	\$10	\$25	100	6,000
\$25		\$25	200	3,000
\$25 × 2		\$50	2,000	300
\$10 × 4	\$10	\$50	666.67	900
(\$10 × 2) + \$5	\$25	\$50	666.67	900
(\$10 × 4) + \$5	\$5	\$50	666.67	900
\$25	\$25	\$50	555.56	1,080
\$50		\$50	2,000	300
\$50 × 2		\$100	24,000	25
\$10 × 5	\$50	\$100	4,800	125
\$25 × 2	\$50	\$100	4,800	125
\$25 × 3	\$25	\$100	6,000	100
(\$10 × 5) + (\$5 × 5)	\$25	\$100	6,000	100
(\$10 × 6) + (\$5 × 6)	\$10	\$100	8,000	75
(\$25 × 2) + (\$5 × 3) + \$10	\$25	\$100	8,000	75
(\$25 × 2) + (\$5 × 5)	\$25	\$100	8,000	75
(\$25 × 2) + (\$10 × 2) + \$5	\$25	\$100	8,000	75
\$50 + \$25 + \$10 + \$5	\$10	\$100	8,000	75
\$50	\$50	\$100	8,000	75
\$100		\$100	24,000	25
WHEELBARROW WINALL MATCH w/ ((\$25 × 4) + (\$10 × 3) + (\$5 × 4) + \$50)		\$200	6,000	100
WHEELBARROW WINALL MATCH w/ ((\$25 × 6) + (\$10 × 4) + (\$5 × 2))		\$200	8,000	75
WHEELBARROW WINALL MATCH w/ ((\$50 × 2) + (\$10 × 6) + (\$5 × 3) + \$25)		\$200	8,000	75
\$50 × 4		\$200	40,000	15
\$100 × 2		\$200	40,000	15
(\$25 × 4) + (\$10 × 5) + \$50		\$200	40,000	15
(\$50 × 2) + (\$25 × 4)		\$200	40,000	15
(\$25 × 5) + (\$10 × 5)	\$25	\$200	24,000	25

<i>When Any Of "YOUR NUMBERS" Match Any "WINNING NUMBER," Win Prize Shown Under The Matching Number. Win With:</i>	<i>"ACORN ADD-ON":</i>	<i>Win:</i>	<i>Approximate Chances Of Winning Are 1 In:</i>	<i>Approximate No. Of Winners Per 600,000 Tickets:</i>
$(\$25 \times 6) + (\$10 \times 3) + (\$5 \times 3)$	\$5	\$200	24,000	25
$(\$50 \times 2) + (\$25 \times 3) + (\$10 \times 2)$	\$5	\$200	24,000	25
$(\$50 \times 3) + \$25 + \$10 + \5	\$10	\$200	24,000	25
\$100	\$100	\$200	24,000	25
\$200		\$200	40,000	15
WHEELBARROW WINALL MATCH w/ $((\$50 \times 3) + (\$25 \times 5) + (\$10 \times 2) + \$200 + \$5)$		\$500	24,000	25
WHEELBARROW WINALL MATCH w/ $((\$100 \times 3) + (\$25 \times 5) + (\$10 \times 2) + \$50 + \$5)$		\$500	24,000	25
WHEELBARROW WINALL MATCH w/ $((\$100 \times 3) + (\$50 \times 2) + (\$25 \times 2) + (\$10 \times 5))$		\$500	24,000	25
WHEELBARROW WINALL MATCH w/ $((\$200 \times 2) + (\$10 \times 6) + (\$5 \times 3) + \$25)$		\$500	24,000	25
$(\$50 \times 6) + (\$25 \times 4) + \$100$		\$500	120,000	5
$(\$100 \times 2) + (\$50 \times 2) + \$200$		\$500	120,000	5
$(\$100 \times 3) + (\$50 \times 3) + \$25 + \$10 + \$5$	\$10	\$500	60,000	10
$\$200 + \100	\$200	\$500	60,000	10
$\$100 \times 3$	\$200	\$500	60,000	10
$\$200 \times 2$	\$100	\$500	60,000	10
\$500		\$500	120,000	5
WHEELBARROW WINALL MATCH w/ $((\$200 \times 2) + (\$100 \times 4) + (\$50 \times 2) + (\$25 \times 4))$		\$1,000	30,000	20
WHEELBARROW WINALL MATCH w/ $((\$200 \times 3) + (\$100 \times 2) + (\$25 \times 6) + \$50)$		\$1,000	30,000	20
$\$500 \times 2$		\$1,000	120,000	5
$(\$200 \times 2) + \100	\$500	\$1,000	120,000	5
\$500	\$500	\$1,000	120,000	5
\$1,000		\$1,000	120,000	5
$\$1,000 \times 5$		\$5,000	120,000	5
\$5,000		\$5,000	120,000	5
\$75,000		\$75,000	200,000	3

When any WINNING NUMBER matches the WHEELBARROW WINALL NUMBER, win ALL 12 prizes shown!

ACORN ADD-ON: When you have a winning match in the YOUR NUMBERS area AND a prize amount appears in the ACORN ADD-ON area, add the prize shown to the TOTAL WON and win that amount. ACORN ADD-ON cannot be won alone.

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Ticket responsibility:*

(a) A Fast Play lottery game ticket is a bearer document deemed to be owned by the person holding the game ticket, except that if a name is contained on the back of the game ticket, the person named will, for all purposes, be considered the owner of the game ticket.

(b) The holder of a Fast Play lottery game ticket has the sole responsibility for checking the accuracy and condition of the data printed on the game ticket.

(c) The Commonwealth shall not be responsible for a lost or stolen Fast Play lottery game ticket, or for a Fast Play ticket redeemed by a player in error.

9. *Ticket validation and requirements:*

(a) *Valid Fast Play lottery game tickets.* To be a valid Fast Play lottery game ticket, the presented game ticket must meet the following requirements:

(1) The game ticket's bar code shall be present in its entirety.

(2) The game ticket must be intact.

(3) The game ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The game ticket may not be counterfeit or a duplicate of a winning ticket.

(5) The game ticket must have been validly issued.

(6) The game ticket data shall have been recorded on the Lottery Central Computer System and the game ticket data shall match the computer record in every respect.

(7) The game ticket must not be defectively printed or printed or produced in error such that it cannot be processed or validated by the Lottery.

(8) The game ticket must pass other confidential security checks of the Lottery.

(b) *Invalid or defective game tickets.* A game ticket not passing the validation requirements in subsection (a) will be considered invalid and no payment will be made on account of any play recorded thereon. The determination of the Secretary in this regard is final.

10. *Procedures for claiming and payment of prizes:*

(a) A prize may be claimed through an authorized retailer or the Lottery, as provided in this section. A prize must be claimed within 1 year of the sale date of the Fast Play lottery game ticket.

(b) An authorized retailer is authorized to pay prizes of \$2,500 or less. The holder of a game ticket evidencing a winning play representing a prize of \$2,500 or less may be paid by a participating authorized retailer if a proper validation pay ticket was issued by the retailer's Lottery Terminal.

(c) The holder of a game ticket evidencing a winning play representing a prize in excess of \$2,500 may present the game ticket to an authorized retailer, Lottery District Office, or Lottery Headquarters.

(d) The holder of a game ticket evidencing a winning play shall present the ticket, in person, to an authorized retailer, Lottery Headquarters or a Lottery District Office. The retailer or the Lottery will issue payment if:

(1) The game ticket is scanned, and the play is validated through the Lottery Terminal or the Lottery Central Computer System;

(2) A claim form is properly and fully completed;

(3) The identification of the claimant is confirmed; and

(4) The winning ticket has not expired, pursuant to this section or section 12 (relating to unclaimed prizes).

(e) The Commonwealth shall not be responsible for a winning play paid in error by an authorized retailer.

(f) In the event a prize described in these rules is not available, the Lottery may either provide a substitute prize, determined by the Secretary to have an equivalent value to the prize won, or make a cash payment to the winner, in an amount determined by the Secretary to have an equivalent value to the prize won.

11. *Funding for prizes:* Moneys will be drawn from the State Lottery Fund, to the extent necessary, to fund the payment of prizes under this section. If this lottery game is terminated for any cause, prize moneys remaining undistributed will remain in the State Lottery Fund and used for purposes otherwise provided for by law.

12. *Unclaimed prizes:* Unclaimed prize money on winning Fast Play lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the sale date of the Fast Play lottery game ticket. If no claim is made within 1 year from the sale date of the Fast Play lottery game ticket, the right of a ticket holder to claim the prize represented by that ticket, if any, shall expire.

13. *Purchase and prize restrictions:* A Fast Play lottery game ticket may not be purchased by, and a prize may not be paid, to an officer or employee of the Lottery, Lottery professional services contractors or subcontractors, or to a spouse, child, brother, sister or parent residing in the same household of an officer, employee, contractor or subcontractor who is involved in the production, distribution or operation of systems for the validation or accounting of Fast Play games.

14. *Governing law:*

(a) By purchasing a ticket, the purchaser agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), this notice, instructions, conditions and final decisions of the Secretary and procedures established by the Secretary for the conduct of the Fast Play Rake It In lottery game.

(b) Decisions made by the Secretary, including the declaration of prizes and the payment thereof, in interpretation of this notice are final and binding on players and persons making a claim in respect thereof.

15. *Retailer compensation:*

(a) Authorized retailers may be entitled to compensation as determined by the Lottery.

(b) No authorized retailer or employee of an authorized retailer shall request, demand, or accept gratuities or any compensation other than as provided in subsection (a) in exchange for the performance of duties authorized pursuant to the Lottery retailer's license without the Lottery's prior written authorization.

16. *Retailer Incentive Programs:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Fast Play Rake It In lottery game tickets.

17. *Retailer bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania Fast Play lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which they qualify on a winning ticket. A bonus will be initiated for payment after the Fast Play game ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery Fast Play game ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

18. *Termination of the game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Rake It In or through normal communications methods.

19. *Applicability:* This notice applies only to the Rake It In lottery game announced in this notice.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1524. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Public Utility Realty Tax Act (PURTA); Surcharge Rate Notice for the Tax Year Beginning January 1, 2023; Corrected Notice

An error occurred in the notice published at 52 Pa.B. 6121 (September 24, 2022). In the second sentence of the notice, section 1111-A(c) was inadvertently published as 1111-A(d). The following notice corrects the version published at 52 Pa.B. 6121.

Section 1111-A(d) of the Tax Reform Code of 1971 (act) (72 P.S. § 8111-A(d)) requires the Secretary of Revenue to publish the rate of the Public Utility Realty Tax Act (PURTA) surcharge in the form of a notice in the *Pennsylvania Bulletin* by October 1, 2003, and by each October 1 thereafter. The tax rate established in section 1111-A(d) of the act shall be imposed upon gross receipts taxes as provided in section 1111-A(c) of the act for the period beginning the next January 1.

The result of the PURTA surcharge calculation provided in section 1111-A of the act for the tax year beginning January 1, 2023, is zero mills (0.0000). Therefore, no PURTA surcharge under section 1111-A(d) of the act will be imposed for the taxable period beginning January 1, 2023.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1525. Filed for public inspection September 30, 2022, 9:00 a.m.]

DEPARTMENT OF REVENUE

Terminal-Based Lottery Game Sales Through iLottery

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) under Title 4, Amusements (4 Pa.C.S. §§ 501—505) and 61 Pa. Code § 876.2b (relating to traditional lottery products), the Secretary of Revenue hereby provides an updated public notice of the specific rules related to terminal-based lottery games sold through the iLottery system that includes information related to subscriptions. This notice replaces the Terminal-Based Lottery Game Sales Through iLottery notice previously published at 49 Pa.B. 5075 (August 31, 2019) in its entirety. The content of the notice is amended throughout:

1. *Purpose:* This notice shall provide notice of the specific rules governing the play of all terminal-based lottery games through the Pennsylvania Lottery's iLottery system and web sites at <https://www.palottery.com> and <https://www.PAILottery.com>. Terminal-based lottery games are operated under 61 Pa. Code §§ 875.1—875.17 (relating to terminal-based lottery games), 61 Pa. Code §§ 871.1—871.22 (relating to Powerball) and notices published in the *Pennsylvania Bulletin* for each terminal-based lottery game, as applicable. Except as set forth in this notice, each terminal-based lottery game shall be operated and governed as set forth in 61 Pa. Code §§ 875.1—875.17, 871.1—871.22 or the notices published in the *Pennsylvania Bulletin*, as applicable.

2. *Definitions:* Unless provided for in this section, the words and terms, when used in this notice, have the meanings ascribed to them under 61 Pa. Code §§ 875.1—875.17 (relating to terminal-based lottery games), 61 Pa. Code §§ 871.1—871.22 (relating to Powerball) and 61 Pa. Code § 876.2 (relating to definitions), unless the context clearly indicates otherwise.

(a) *Registered play:* The method by which a ticketless transaction is specifically linked to a player's identity through a unique identifier that confers ownership of the ticketless transaction to the specific lottery account used to purchase the lottery game play.

(b) *Ticketless transaction:* The purchase of a lottery game play through the iLottery system that does not result in the player receiving a physical, bearer instrument that confers ownership through possession of the instrument.

3. *Eligibility requirements:* To be eligible to participate in iLottery and purchase plays for terminal-based lottery games, a person must meet all of the following requirements:

(a) A person must become a registered iLottery player by establishing a lottery account with the Lottery through

the Pennsylvania Lottery's iLottery web site at <https://www.PAiLottery.com> or by downloading the Pennsylvania Lottery's Official Mobile Application.

(b) A registered iLottery player must be 18 years of age or older.

(c) A registered iLottery player must be located within the physical boundaries of the Commonwealth of Pennsylvania to purchase a play, to establish a new subscription or to activate an inactive, existing subscription.

(d) A registered iLottery player must agree to the terms and conditions for registration and participation in iLottery.

(e) A registered iLottery player shall abide by all other requirements of 4 Pa.C.S. §§ 501—505 and any regulations promulgated thereunder.

4. *Operation of terminal-based lottery games and procedures for purchasing a play:*

(a) Terminal-based lottery games provide registered iLottery players with the opportunity to win one prize, per play.

(b) Terminal-based lottery games are games of chance, the outcomes of which are determined by a random number generator or through the conduct of a live drawing.

(c) To purchase a play, registered iLottery players must have a valid Lottery account as referenced in section 3(a) (relating to eligibility requirements).

(d) Registered iLottery players must fund the player's lottery account with money from an approved payment provider, as further detailed at <https://www.PAilottery.com> or through the iLottery section in the Pennsylvania Lottery's Official Mobile Application.

(e) Registered iLottery players may purchase a play using the player's own money or by using bonus or promotional money provided to the registered iLottery player by the Lottery at the Lottery's discretion, which is deposited into the player's lottery account.

(f) To purchase a play for a specific terminal-based lottery game, the player must select the game to play by clicking on the game image and following the prompts displayed on the subsequent webpages. Prompts will be displayed for age verification, the number of plays to select, the number of consecutive drawings to select, whether to purchase a subscription (as defined in section 12, below), whether to apply any add-ons such as Power Play®, Megaplier, Wild Ball, and the like, the play symbols to select or whether to utilize the quick pick option.

(g) To complete the purchase of a play, the player must elect to authorize the purchase at the price indicated, by selecting the "Buy Now" button. At that time, money will be drawn from the player's lottery account.

(h) *To complete a subscription purchase:*

(1) The player must elect to authorize a recurring payment at the price indicated by selecting "Yes" at the subscription prompt.

(2) The player must choose a payment method to fund the subscription purchase from the options provided, and then select "Buy Now."

(i) Upon completing a successful purchase, the player will be presented with information related to the purchase, including the drawing date or dates for which the play was purchased, the play symbols selected, the num-

ber of consecutive drawings elected, whether an add-on was selected, the total amount of the purchase and whether a subscription was purchased.

(j) A player may view any plays purchased in the player's account details on the iLottery web site. Prior to a drawing being held on the plays purchased, the webpage will display the purchase date, the play symbols selected, whether an add-on was selected, the draw date or dates for the play or plays purchased and the total cost of the wager. After a drawing has been held, the webpage will indicate the same information, plus any prize won on the play.

5. *Procedures for claiming and payment of prizes:*

(a) After purchasing a play for a specific terminal-based lottery game, the registered iLottery player must check the player's account details after the drawing date or dates for the play or plays purchased to reveal whether a prize is awarded.

(b) All terminal-based lottery game transactions conducted through the iLottery system are ticketless transactions that provide a registered play to an iLottery player's lottery account. All plays purchased through the iLottery system shall be registered plays that are linked to the purchasing player's lottery account through a secure, encrypted validation method that will allow a prize to be credited to only the purchasing player's lottery account.

(c) Prizes under \$1,000,000 won by playing terminal-based lottery games through the iLottery system will be deposited into the registered iLottery player's lottery account and may be withdrawn from the player's account at the player's discretion and as further detailed in the iLottery terms and conditions.

(d) With respect to prizes of \$1,000,000 and greater, won by playing terminal-based lottery games through the iLottery system, the player must appear, in person, at the Pennsylvania Lottery Headquarters to validate the win and present proof of identity to claim the prize.

(e) The Lottery will report taxable events to the relevant taxing authorities based on established statutory thresholds and registered iLottery players will be provided tax statements according to Lottery procedures.

(f) State and Federal withholding taxes, as further provided in section 7 (relating to withholding), will be automatically deducted from prizes meeting established statutory thresholds and shall be remitted to the appropriate taxing authorities as required by law.

(g) Statutorily required offsets under 23 Pa.C.S. § 4308 and 72 P.S. § 215 shall be automatically deducted from prizes meeting statutory thresholds and shall be paid to the relevant agencies as required by law.

6. *Unclaimed prizes:* If a terminal-based lottery game prize is unclaimed for any reason, the prize money from a winning play will be retained by the Secretary for payment to the person entitled thereto for a period of 1 year from the date on which a terminal-based lottery game prize is won. If no claim is made within 1 year of the date on which a prize is won, the right of a player to claim the prize, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

7. *Withholding:* State and Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

8. *Purchase and prize restrictions:*

(a) A play may not be purchased by, and a prize will not be paid to, any individual failing to meet any of the requirements of section 3 (relating to eligibility requirements).

(b) A play may not be purchased by, and a prize will not be paid to, an officer or employee of the Lottery, Lottery and iLottery professional services contractors or subcontractors who are directly involved in the operation of the Lottery and iLottery and the provision of Lottery and iLottery related services, or to a spouse, child, brother, sister or parent residing in the same household of the officer, employee, contractor or subcontractor.

(c) During any period of self-exclusion as provided for under 61 Pa. Code § 876.16, no self-excluded registered iLottery player shall purchase plays, deposit or withdraw funds from the registered iLottery player's account or otherwise participate in iLottery and iLottery promotions prior to the conclusion of the self-exclusion period. Any subscription renewal purchases scheduled to occur during a self-exclusion or cool-off period will not be funded, and those subscriptions will become "Inactive." Subscriptions that are changed to "Inactive" must be manually changed to "Active" by the player, as described in section 12(j), below, after the self-exclusion or cool-off period has ended.

(d) A registered iLottery player may be prohibited from purchasing plays, managing subscriptions, depositing or withdrawing money from the player's lottery account or otherwise participating in iLottery and iLottery promotions subject to any responsible gambling limits as set forth in the iLottery terms and conditions and as selected by the registered iLottery player, including deposit limits, spend limits, time-related limits or iLottery account access limits.

9. *Governing law:* By registering to participate in iLottery, the registered iLottery player agrees to comply with and abide by Federal and State laws, the iLottery regulations, applicable game rules, the terms and conditions for registration and participation in iLottery and final decisions of the Secretary.

10. *Termination of the game:* The termination of specific terminal-based lottery games or the removal of terminal-based lottery game sales through the iLottery system will be communicated through the Pennsylvania Lottery's Official web site.

11. *Applicability:*

(a) This notice applies only to terminal-based lottery games as offered by the Lottery for sale through the iLottery system.

(b) Terminal-based lottery games are available through Lottery retailers and the conduct of the games as sold by Lottery retailers shall be governed by 61 Pa. Code §§ 871.1—871.22, 875.1—875.17 and the terminal-based lottery game notices published in the *Pennsylvania Bulletin*, as applicable.

12. *Subscriptions:*

(a) An "Active" subscription authorizes the Lottery to deduct payment from a player's lottery account on a recurring basis for purchases authorized by the player for a specific terminal-based lottery game available online at <https://www.pailottery.com>.

(b) The subscription renewal period for each terminal-based lottery game, available through <https://www.pailottery.com>, shall be determined by the Lottery. The

subscription renewal period shall be available on the "Buy Now" page of each individual terminal-based lottery game.

(c) Subscriptions shall renew automatically consistent with the renewal periods established by the Lottery as set forth in subsection (b) above.

(d) When a player purchases a new subscription for a specific terminal-based lottery game, the player receives a play for each drawing held from the date of the subscription purchase through and including the subscription period end date. The player will receive an email notification whenever a new subscription is purchased.

(e) Upon the initial purchase of a subscription, the player is enrolled in an "Active" subscription.

(f) Whenever a subscription is purchased or renewed, the Lottery deducts the price of the subscription from the player's lottery account and the player receives the number of plays for the applicable subscription period.

(g) When a player purchases a subscription, the player shall have the option to select the play symbols for that subscription via Quick Pick or may manually choose the play symbols to be used for that subscription. The selected play symbols are effective for the original subscription and any subsequent renewals.

(h) Whenever the number of plays purchased as part of an "Active" subscription reaches zero and the subscription period ends, that subscription will automatically renew and the player will receive the same number of plays for the same game again. The player will receive an email notification whenever a subscription renewal occurs.

(i) The default payment selection for all subscriptions and any renewals shall be the funds remaining in the player's lottery account.

(j) A player may change an "Active" subscription to an "Inactive" subscription using the "My Subscriptions" page of the player's lottery account. A player may also change an "Inactive" subscription to an "Active" subscription using the "My Subscriptions" page of the player's lottery account. The player will receive an email notification whenever a subscription's status changes.

(k) If a subscription is changed to "Inactive" at any time during the subscription period, any plays remaining for that subscription period will be cancelled and will not be used in any drawings until the subscription is made "Active" again.

(l) If a subscription is changed to "Inactive" at any time during the subscription period, any plays previously purchased, including plays where the drawing has not yet occurred, shall not be refunded.

(m) When an "Inactive" subscription is changed to "Active" again, that subscription will automatically renew when the number of remaining plays on the re-activated subscription reaches zero.

(n) If for any reason a player's subscription renewal purchase fails to fund, the player will receive an email notification indicating the reason for the failure to fund. In the event that a player's subscription renewal fails to fund, the subscription will automatically become "Inactive."

(o) A player may view and edit subscription information on the "My Subscriptions" page of the player's lottery account.

(1) The player may view the subscription game name, subscription period start and end dates, play symbols and

add-ons selected, subscription identification number, last subscription renewal date and next subscription renewal date on the “My Subscriptions” page of the player’s lottery account.

(2) A player can change a subscription to “Active” or “Inactive” on the “My Subscriptions” page of the player’s lottery account. All changes must be confirmed by the player before taking effect.

(3) A player can manage the payment method used to fund subscriptions using the “Edit Payment” button at the top of the “My Subscriptions” page of the player’s lottery account.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 22-1526. Filed for public inspection September 30, 2022, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Hatfield Township Municipal Authority v. Department of Environmental Protection; EHB Doc. No. 2022-070-L

Hatfield Township Municipal Authority has appealed the issuance by the Department of Environmental Protection of NPDES Permit No. PA0026247 authorizing a discharge to West Branch Neshaminy Creek from the Hatfield Township STP facility in Hatfield Township, Montgomery County.

The appeal is filed with the Environmental Hearing Board (Board). The notice of appeal, and other filings related to the appeal, may be reviewed by any interested person through the Board’s web site at <http://ehb.courtapps.com>. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania Hamilton Relay Service at (800) 654-5984. A date for the hearing on the appeal has not yet been scheduled.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board’s rules of practice and procedure are available online and upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 22-1527. Filed for public inspection September 30, 2022, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Actions Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, September 15, 2022, and announced the following:

Regulations Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective September 14, 2022

Environmental Quality Board # 7-564: Municipal Waste Rural Transfer Facility Permit-by-Rule (amends 25 Pa. Code Chapters 271 and 279)

State Board of Cosmetology # 16A-4520: Fees (amends 49 Pa. Code Chapter 7)

Actions Taken—Regulations Approved:

State Board of Dentistry # 16A-4634: Fees (amends 49 Pa. Code Chapter 33 § 33.3 and rescinds § 33.339)

Environmental Quality Board # 7-561: Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (amends 25 Pa. Code Chapters 121 and 129)

Action Taken—Regulation Disapproved: Order Not Yet Issued

*Environmental Quality Board # 7-553: Water Quality Standard for Manganese and Implementation

*Will advise when order is issued.

Approval Order

Public Meeting Held
September 15, 2022

Commissioners Voting: George D. Bedwick, Chairperson; John F. Mizner, Esq., Vice Chairperson; John J. Soroko, Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Dentistry—
Fees*

Regulation No. 16A-4634 (# 3277)

On October 29, 2020, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Dentistry (Board). This rulemaking amends 49 Pa. Code Chapter 33 § 33.3 and rescinds § 33.339. The proposed regulation was published in the November 14, 2020 *Pennsylvania Bulletin* with a public comment period ending on December 14, 2020. The final-form regulation was submitted to the Commission on July 7, 2022.

The rulemaking provides for graduated application and biennial renewal fee increases for several licenses and permits issued by the Board, including dentists, dental hygienists, dental assistants, anesthesia permits, dental education programs, and facilities. It also rescinds Section 33.339 (relating to fees for issuance of permits).

We have determined this regulation is consistent with the statutory authority of the Board (63 P.S. § 122(o)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
September 15, 2022

Commissioners Voting: George D. Bedwick, Chairperson;
John F. Mizner, Esq., Vice Chairperson; John J. Soroko,
Esq.; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Additional RACT Requirements for Major Sources of NO_x
and VOCs for the 2015 Ozone NAAQS
Regulation No. 7-561 (# 3310)*

On July 14, 2021, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 129. The proposed regulation was published in the August 7, 2021 *Pennsylvania Bulletin* with a public comment period ending on October 12, 2021. The final-form regulation was submitted to the Commission on August 10, 2022.

This final-form rulemaking adds additional Reasonably Available Control Technology requirements and emission limitations for certain major stationary emissions sources.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P.S. § 4005(a)(1) and (8)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 22-1528. Filed for public inspection September 30, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Logan Operator, LLC

Logan Operator, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Logan Square Rehabilitation and Healthcare Center in Philadelphia, PA. The initial filing was received on September 19, 2022, 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1529. Filed for public inspection September 30, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Transitions Healthcare Claridge, LLC

Transitions Healthcare Claridge, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Transitions Healthcare Claridge in Jeannette, PA. The initial filing was received on September 19, 2022, 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1530. Filed for public inspection September 30, 2022, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Transitions Healthcare Latrobe, LLC

Transitions Healthcare Latrobe, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Transitions Healthcare Latrobe in Latrobe, PA. The initial filing was received on September 19, 2022, 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL HUMPHREYS,
Acting Insurance Commissioner

[Pa.B. Doc. No. 22-1531. Filed for public inspection September 30, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security, Insufficient Financial Security Amount or Language

Public Meeting held
September 15, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security,
Insufficient Financial Security Amount or Language;
M-2022-3030286*

Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Financial Security Expiration Date</i>	<i>Commission Approved Amount or Language</i>
A-2011-2254554*	ALPHA GAS AND ELECTRIC, LLC	9/4/2022	Yes
A-2021-3028636*	CURRENT ENERGY AND RENEWABLES, INC.	8/31/2022	No
A-2015-2500466	PHILIP HARVEY	8/20/2022	Yes

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice email to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security in the amount or language directed by the Commission, must be filed within 30-days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for the

Tentative Order

By the Commission:

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120, prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferably in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website, and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of September 6, 2022, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount or language directed by the Commission, to replace a bond which is expired, or which is non-compliant with Commission regulations.

EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Electric Generation Supplier License of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary (i) serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, all electric generation distribution companies, and all of the Electric Generation Suppliers listed in

the Supplier Table; (ii) publish a copy of this Tentative Order in the *Pennsylvania Bulletin* with a 30-day comment period; and (iii) file a copy of this Tentative Order at each Electric Generation Supplier's assigned docket number.

3. To the extent any of the Electric Generation Suppliers listed in the Supplier Table challenge the cancellation of their license, they must file comments within thirty (30) days after publication of this Tentative Order in the *Pennsylvania Bulletin*. Written comments referencing Docket No. M-2022-3030286 must be eFiled to the Pennsylvania Public Utility Commission through the Commission's eFiling System. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

4. Alternatively, Electric Generation Suppliers listed in the Supplier Table may provide the Commission an approved security up to and within thirty (30) days after publication in the *Pennsylvania Bulletin*. The Electric Generation Supplier must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument displaying a "wet" signature or digital signature, preferably in blue ink, and displaying a "raised seal" or original notary stamp with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA, 17120.

5. Absent the timely (i) filing of comments challenging the cancellation of the Electric Generation Supplier's license, or (ii) the filing of an approved security within 30-days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services, shall prepare a Final Order for entry by the Secretary revoking the license of each Electric Generation Supplier that fails to respond.

6. Upon entry of the Final Order, Electric Generation Suppliers that remain listed as not in compliance with 52 Pa. Code § 54.40(a) and (d) will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

7. Upon entry of the Final Order, Electric Generation Suppliers that fail to respond will be prohibited from providing electric generation supply services to retail electric customers. That upon entry of the Final Order described in Ordering Paragraph No. 5, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 15, 2022

ORDER ENTERED: September 15, 2022

[Pa.B. Doc. No. 22-1532. Filed for public inspection September 30, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. The United
Telephone Company of Pennsylvania, LLC, d/b/a
CenturyLink

Public Meeting held
September 15, 2022

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; John F. Coleman, Jr., Vice Chairperson; Ralph V. Yanora

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. The United Telephone
Company of Pennsylvania, LLC, d/b/a CenturyLink;
M-2022-3028754*

Tentative Opinion and Order

By the Commission:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a proposed Joint Petition for Approval of Settlement (Settlement), filed on July 18, 2022, by the Commission's Bureau of Investigation and Enforcement (I&E) and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink (CenturyLink or the Company) (collectively, the Parties), with respect to an informal investigation conducted by I&E. Both Parties filed a Statement in Support of the Settlement (Statement in Support). Further, both Parties submit that the proposed Settlement is in the public interest and is consistent with the Commission's Policy Statement at 52 Pa. Code § 69.1201, Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy (Policy Statement). See Settlement at ¶¶ 11, 68, *infra*.

Before issuing a final decision on the merits of the proposed Settlement, and consistent with the requirement of 52 Pa. Code § 3.113(b)(3), we shall publish the Settlement in the *Pennsylvania Bulletin* and provide an opportunity for interested parties to file comments regarding the proposed Settlement.¹

I. History of the Proceeding

This matter concerns alleged outages, unreliable service, and general customer service complaints regarding CenturyLink, a rural incumbent local exchange carrier (RLEC) as defined at 66 Pa.C.S. § 3012.² Settlement at ¶¶ 7, 10 (citing Alternative Regulation Plan at 2, n. 3). Specifically, on or about August 28, 2021, heavy rain and winds from Hurricane Ida caused excessive flooding at a CenturyLink affiliate's switch, located outside of Philadelphia, Pennsylvania (CenturyLink Affiliate). The flood resulted in damage and destruction to "equipment inside the building and impacted long-distance calling." Settlement at ¶ 15. CenturyLink asserted that the flood did not

¹ As discussed, *infra*, because of the service territory involved and the number of customers who filed complaints in this matter as indicated in the Settlement, it is appropriate to publish the Settlement in the *Pennsylvania Bulletin*.

² CenturyLink is a public utility RLEC that provides local exchange service and broadband service in all or parts of twenty-five (25) counties located in central and western Pennsylvania, as set forth in Act 183 and the Petition for Amended Alternative Regulation and Network Modernization Plan of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, Docket No. P-00981410F1000 (Order entered June 23, 2005) (Alternative Regulation Plan). Further, "rural" is defined in section 3 of the Telecommunications Act of 1996, 47 U.S.C. § 153, and includes all non-Verizon Pennsylvania incumbent local exchange carriers. Settlement at ¶¶ 7, 14 (citing Alternative Regulation Plan, Secretarial Letter dated July 12, 2005).

impact local calling or a customer's ability to call 911. CenturyLink completed the necessary repairs to restore long-distance calling for all customers by September 10, 2021. Settlement at ¶ 16.

On September 17, 2021, Senator Judy Ward, Senator John DiSanto and Representative Perry Stambaugh sent a letter to the Commission requesting an investigation of the extended service outage and alleged unreliable service reported by CenturyLink's customers (September 2021 Letter). Settlement at ¶ 17. On September 27, 2021, in response to the September 2021 Letter, the Commission referred the matter to I&E. Subsequently, I&E received the emails of issues and/or complaints received by the legislators. Settlement at ¶¶ 17-18.

On or around November 2021, upon I&E's request, the Commission's Bureau of Consumer Services (BCS) provided informal consumer complaints against CenturyLink related to internet and telephone outages, customer service issues, failure to respond to downed lines, no dial tone, and other service issues. Specifically, BCS provided three (3) complaints for 2019, thirty-one (31) complaints for 2020, and 143 complaints for January 2021 through November 8, 2021. Settlement at ¶ 19.

By letter dated November 12, 2021, I&E sent a data request to CenturyLink (November 2021 Letter), notifying the Company that, based on information referred to I&E by the September 2021 Letter, I&E had instituted an informal investigation of CenturyLink. I&E limited its data request to CenturyLink's customers in the following counties: (1) Perry; (2) Cumberland; (3) Franklin; and (4) Juniata.³ In response to I&E's data request, counsel for CenturyLink twice requested an extension of time to provide responses.⁴ The Parties ultimately agreed that CenturyLink's response to I&E's data request was required by January 14, 2022. Consequently, CenturyLink provided timely responses to I&E's data requests. Settlement at ¶¶ 20—24.

On February 7, 2022, I&E sent a data request to CenturyLink, requesting that CenturyLink review and respond to a list of eighteen email complaints received by the legislature. On March 21, 2022, I&E contacted CenturyLink to address specific complaints received by BCS and to schedule a meeting. Consequently, CenturyLink provided responses to the specific BCS complaints. Settlement at ¶¶ 25-26.

On April 5, 2022, I&E and CenturyLink held a meeting at the Commission.⁵ Subsequently, the Parties entered into settlement discussions. On June 7, 2022, the Parties held a virtual meeting. As a result of successful discussions between the Parties, an agreement between I&E and CenturyLink on an appropriate outcome to the investigation was reached, in accordance with the Commission's policy to promote settlements at 52 Pa. Code § 5.231. Settlement at ¶¶ 11, 27-28.

As previously noted, on July 18, 2022, I&E and CenturyLink filed the instant Settlement. Also, as noted

³ The Parties noted that the complaints provided by BCS arose from various areas in the Company's service territory and not solely from these counties. Settlement at 5, n. 1; Settlement at ¶ 30. The Parties further noted that manual sorting of information was necessary because the data requests detailed information based upon political boundaries, which do not align with telecommunications exchanges and areas served. Settlement at 6, n. 3.

⁴ Counsel for CenturyLink's requested an extension to provide responses citing, inter alia, the pending litigation related to CenturyLink's acquisition by Apollo Global Management, Inc. Settlement at ¶ 21 (citing Joint Application of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding LLC; and Lumen Technologies, Inc. for All Approvals of a General Rule of Transfer of Control and Registration of Securities, Docket Nos. A-2021-3028668; A-2021-3028669 (Final Order entered April 25, 2022) (2022 CenturyLink Application).

⁵ We note that one individual attended the April 5, 2022, meeting virtually. Settlement at ¶ 27.

earlier, the Parties to the Settlement in this instance have each filed a Statement in Support. See Appendix A and B to Settlement, which are Statements of Support filed by I&E and CenturyLink, respectively.⁶

II. Background

The basis for the instant Settlement resulted from I&E's investigation, which included: (1) the informal complaints provided by BCS; (2) a review of the email complaints received by the legislature; and (3) CenturyLink's responses to I&E's data requests.⁷ Settlement at ¶ 29. In the Settlement, the Parties stipulated that the complaints alleged: (1) a failure to provide reasonable, continuous service; (2) a failure to address or repair the service outage in a reasonable amount of time; (3) issues with customer service; (4) a failure to respond to downed wires or poles and/or broken poles in a reasonable time; and (5) outages related to Hurricane Ida.

A. Complaints Received by BCS and the Legislature

1. Failure to Provide Reasonably Continuous Service

In 2020, BCS received five complaints which alleged multiple incidents of service outages or unreliable telephone and/or internet service. Specifically: (1) one customer's history included five reports over a six-month period; (2) one customer's history included three reports over a ten-day period; (3) one customer's history included five complaints in one month; (4) one customer's history included five complaints over a five-month period; and (5) one customer's history included ten complaints over a five-month period. Settlement at ¶ 33. In 2021, BCS received three complaints which alleged multiple incidents of service outages or unreliable telephone and/or internet service. Specifically: (1) one customer's history included four reports over a three-month period; (2) one customer's history included four reports over a five-month period; and (3) one customer's history included eight reports of service issues over a six-month period. Settlement at ¶ 34.

Further, I&E identified nine complaints received by the legislature which alleged a violation of reasonably continuous telephone and/or internet service with unreasonable interruptions or delay. I&E also identified seventeen complaints received by the legislature which alleged a violation for continuous internet service. The complaints reported that outages lasted for "anywhere from every Friday to eight days to over a month for both internet and telephone services." Settlement at ¶ 35. The complaints related to internet consistently reported several outages during the day lasting for a variety of time periods. Id.

2. Failure to Address or Repair a Service Outage Timely

In 2021, BCS received twenty-two complaints identified by I&E which alleged a failure to address a telephone and/or internet service outage or an unreasonable time provided to repair/address the outage, and the outages lasted from five days to over one month. Further, I&E identified eight complaints received by the legislature which alleged a failure to address a telephone and/or internet service outage or an unreasonable time provided to repair or address the outage, and the outages lasted from eight days to over one month. Settlement at ¶¶ 39-40.

⁶ We note that the Settlement also includes supplemental Proposed Ordering Paragraphs. See Proposed Ordering Paragraphs at 1—4.

⁷ Regarding complaints described in the Settlement, the Parties noted that the number of these complaints is not indicative of the number of customers who filed complaints. Rather, in their complaint, some customers alleged multiple, different violations. Settlement ¶ 30.

3. Customer Service Issues

In 2020, I&E identified one BCS complaint where the complainant reported no service to CenturyLink on February 14, 2020. According to the complaint, the customer service agent who took the call did not create a ticket and a ticket was not created until the BCS complaint was received by CenturyLink. Settlement at ¶ 42. In 2021, I&E identified approximately thirty-eight service-related complaints filed by BCS, including: (1) unable to speak with a live person;⁸ (2) missed appointments; (3) after reporting a service issue, a ticket was not created; (4) long wait or hold times while calling CenturyLink; and (5) general complaints, such as the customer service agent or supervisor hanging up on the customer. In one April 2021 complaint, a customer explained that an additional DSL line was requested on February 27, 2021, and on four different occasions, CenturyLink cancelled or rescheduled the order. As of the April 2021 complaint, the customer was still waiting for the installation. Settlement at ¶ 43.

Further, I&E identified five complaints received by the legislature which alleged various customer service-related complaints including, but not limited to, long hold times and difficulty reaching a customer service agent. Settlement at ¶ 44.

4. Failure to Timely Respond to Downed Wires/Poles and/or Broken Poles

In 2020 and 2021, I&E identified six complaints and twenty-one complaints, respectively, that alleged downed wires or poles. The complaints which required immediate action included a tree on a wire blocking the entrance to a farm and a downed wire on a customer's garage and camper. Further, some of the complaints noted that downed wires/broken poles were reported to CenturyLink but were not addressed. Settlement at ¶ 48.

I&E identified four complaints received by the legislature which alleged a lack of response by CenturyLink to calls or concerns of downed poles and/or wires, including: (1) one report of a broken pole hanging over a mailbox and driveway of the customer; (2) two reports of poles and wires which have remained damaged for months; and (3) one report that the local fire department "waits for hours" for a response from CenturyLink regarding reported wires and/or poles. Settlement at ¶ 49.

5. Outages Related to Hurricane Ida

As discussed, *supra*, on or about August 28, 2021, the CenturyLink Affiliate sustained flood damage which destroyed equipment inside the building and impacted long-distance calling. Settlement at ¶¶ 15, 50. Although long-distance calling was affected, CenturyLink customers impacted by the resulting outage retained their ability to place local calls and to call 911. By September 10, 2021, CenturyLink completed the necessary repairs to restore long-distance calling for all affected customers. Therefore, the long-distance calling outage lasted approximately thirteen days. Settlement at ¶¶ 50-51.

As a result of the outage, BCS received approximately forty-two (42) complaints or reports from CenturyLink customers. CenturyLink self-reported that approximately 288,306 customers were affected by the outage and some of the BCS complaints included notes stating that the Company provided a credit to affected customers. Settlement at ¶¶ 52-54. Further, CenturyLink confirmed that any required, automatic credit was given to affected

⁸ The Parties acknowledged that speaking with a live person is not a regulatory requirement. Settlement at ¶ 43.

customers "during and after Hurricane Ida (or September and October 2021)" and some customers received courtesy credits. Settlement at ¶ 55.

B. Alleged Violations

If this matter had been fully litigated, I&E was prepared to present evidence and legal arguments to demonstrate that CenturyLink committed the following alleged violations, reprinted verbatim below:

a) The customer complaints allege that CenturyLink failed to provide reasonably continuous service, noting multiple incidents of service outages or unreliable service. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.24 and 66 Pa.C.S. § 1501 (multiple counts).

b) The customer complaints alleged that CenturyLink failed to address service outages or provide repair in a reasonable time. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.24, 52 Pa. Code § 63.57 and 66 Pa.C.S. § 1501 (multiple counts).

c) The customer complaints allege that CenturyLink failed to provide reasonable and adequate customer service to its customers, including a failure to meet commitments related to service issues/outages. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.57 and 66 Pa.C.S. § 1501 (multiple counts).

d) The customer complaints allege that CenturyLink failed to respond to downed wires/poles and/or broke poles in a reasonable time. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.23, the National Electrical Safety Code, Part 214A, Appendix F, and 66 Pa.C.S. § 1501 (multiple counts).

Settlement at ¶ 56.

Regarding the circumstances surrounding the outages caused by Hurricane Ida, I&E did not find a violation. I&E explained that the damage sustained by CenturyLink facilities and the necessary time to address the damage indicate that the Company's actions and response, which resulted in a thirteen-day outage for long-distance calling, were reasonable. Moreover, CenturyLink confirmed that applicable refunds/credits, including courtesy credits, were provided to customers affected by the outage. Therefore, because of the unusual and unprecedented repair to the facilities, I&E did not find a violation related to the outage occurring from August 28, 2021 to September 10, 2021. Settlement at ¶ 57.

If this matter had been fully litigated, CenturyLink intended to deny and refute each of the alleged violations of the Public Utility Code (Code), the Commission's Regulations and Orders, as well as to raise defenses to each allegation and defend against the same at hearing. Moreover, CenturyLink would have disputed I&E's position that the Code, including Section 1501, and the Commission's Regulations governing telephone service quality standards, including the regulations at Chapter 63, impose service quality requirements upon internet services provided by CenturyLink. Settlement at ¶¶ 58-59.

III. Terms of the Settlement

The Parties state that the purpose of the Settlement is to terminate I&E's informal investigation and settle this matter completely without litigation. Further, the Parties

note that they recognize that this is a disputed matter and that resolving the disputed issues prior to the initiation of any formal enforcement proceeding can be beneficial given the inherent unpredictability of the outcome of a contested proceeding. Moreover, the Parties agree that adopting the Settlement will remove the possibility of any appeal from the Commission, thereby avoiding the additional time and expense that might be incurred in such an appeal. Furthermore, the Parties acknowledge that approval of this Settlement is in the public interest and consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission Regulations, pursuant to 52 Pa. Code § 69.1201. Settlement at ¶¶ 60, 68—70.

The conditions of the Settlement are reprinted verbatim below:

61. CenturyLink shall pay a cumulative civil penalty of Forth-Five Thousand Dollars (\$45,000.00).

62. The civil penalty shall not be tax deductible or passed-through as an additional charge to CenturyLink's customers in Pennsylvania.

63. In addition to the civil penalty, CenturyLink agrees to complete the following remedial measures:⁹

A. CenturyLink implemented a Quality Assurance Program ("QA Program") in January 2022 which provides CenturyLink the ability to analyze, audit, manage, and address customer repair service calls. CenturyLink will continue to implement the QA Program and shall modify the QA Program, as needed, to follow-up and audit customer service calls to ensure that repair tickets, as applicable, are created to address customer complaints. CenturyLink agrees to continue to utilize the QA Program, and/or to utilize other measures, programs, or systems, to audit and modify processes related to customer interfacing functions (e.g. call wait times, trouble tickets, etc.). In addition, as CenturyLink continues to modify its dispatch processes (e.g., the time between ticket being created and technician visit), CenturyLink will include in the summary report submitted at Remedial Measure B(ii) below an update of total Company responsiveness to voice out-of-service trouble tickets.¹⁰

B. CenturyLink will meet with BCS by December 31, 2022 and again in 2023, as needed or requested by BCS, to review and address informal customer complaints received by BCS regarding repair tickets for Commission regulated voice services. In addition, CenturyLink will provide status reports to I&E of the following:

- i. A summary of the Company's meetings with BCS provided within fifteen (15) days of the meeting; and
- ii. As to Perry, Cumberland, Franklin, and Juniata Counties, a summary of any preventative measures or additional facility buildouts, if any, undertaken by CenturyLink. Portions of the status report to I&E may be marked as confidential to the extent it contains specific information regarding customers or Company facilities.

C. During the remainder of calendar year 2022 and in year 2023, CenturyLink will meet with legislative

representatives in the portions of the four counties (Perry, Cumberland, Franklin, and Juniata) served by CenturyLink to review potential CenturyLink customer issues. Finally, if applicable, CenturyLink will provide updated Company contact information to legislative representatives serving areas within CenturyLink's service territory. CenturyLink also will provide any update of progress regarding facility buildouts in applicable legislative districts.

D. CenturyLink's downed pole protocols and practices will be circulated within internal company operations and customer care groups and will continue to be incorporated into trainings of employees involved with these groups. CenturyLink also will regularly circulate, within the communities served by CenturyLink, Public Service Announcements (PSAs) providing the general public with information to report downed poles, downed wires, or other damaged CenturyLink facilities. CenturyLink will review and revise, as needed, its internal processes regarding miscellaneous trouble tickets that are associated with downed poles, downed wires, and damaged CenturyLink facilities to reasonably ensure that the trouble tickets are responded to within a reasonable time.

E. CenturyLink will complete outreach and education efforts, no longer than sixty (60) calendar days after a Commission order approving this settlement, relative to organizations or groups which commonly report downed wires and/or poles to ensure that those organizations or groups have the latest contact information to report downed wires and/or poles. The organizations or groups include but are not limited to local fire departments, local police departments, 911 call centers, and local municipalities.

F. CenturyLink agrees that it will begin implementing the foregoing Remedial Measures upon the filing the Joint Petition for Settlement with the Commission. The foregoing Remedial Measures will remain effective through and until December 31, 2023. This provision shall not be construed as limiting continuation of Remedial Measure beyond the effective date should CenturyLink determine.

See Settlement at ¶¶ 61—63.¹¹

The Parties request that the Commission issue an Order approving the Settlement without modification but note that if the terms of the Settlement are "substantively" modified by a Commission Secretarial Letter or Order, the Parties agree that any party may withdraw from the Settlement. Settlement at ¶¶ 66-67. The Parties indicate that the consequence of any Party withdrawing from the Settlement is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated by the Parties, and all obligations of the Parties to each other will cease. Further, if a Party withdraws from the Settlement, the Parties jointly agree that nothing in the Settlement shall be construed as an admission against, or as prejudice to, any position which any Party might adopt during litigation of this case. Settlement at ¶ 67.

The Parties acknowledge that the Settlement consists of "the entire agreement" between I&E and CenturyLink regarding the matters addressed within the Settlement.

⁹ The Parties note that CenturyLink made a fiber build commitment in the [2022 CenturyLink Application].

¹⁰ The Parties note that CenturyLink also implemented a call-back feature in December 2021 to provide customers [an] option when contacting CenturyLink for a repair. CenturyLink and I&E believe the QA Program and the call-back feature will address many of the complaints and concerns raised in this investigation.

¹¹ Regarding the Settlement term that CenturyLink shall pay a civil penalty of \$45,000, we note that the Parties' Proposed Ordering Paragraph No. 2 states that the Company shall pay the entirety of the civil penalty amount "within sixty (60) days of the date this Order becomes final." Proposed Ordering Paragraphs at ¶ 2; Settlement at ¶ 61.

Settlement at ¶ 71. Further, the Parties acknowledge that the Settlement represents a complete settlement of I&E's investigation of CenturyLink's alleged violations related to "the time period up to and including November 12, 2021," and satisfies I&E's investigation of the matters discussed within.¹² Id. Moreover, the Settlement represents a compromise of positions and does not constitute a finding of culpability or an admission concerning the alleged violations of the Code and the Commission's Regulations. Finally, the Parties present the Settlement without prejudice to any position that I&E or CenturyLink may advance in the future on the merits of the issues in any future proceeding, except to the extent necessary to effectuate the terms and conditions of the Settlement. Settlement at ¶¶ 71-72.

IV. Discussion

Pursuant to the Commission's Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. The Commission must, however, review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M-00031768 (Order entered January 7, 2004).

In reviewing settlements that resolve informal investigations, the Commission will provide other potentially affected parties with the opportunity to file comments regarding a proposed settlement prior to issuing a decision. The Commission's Regulations at 52 Pa. Code § 3.113(b) provide as follows:

§ 3.113. Resolution of informal investigations.

* * *

(b) Under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), the Commission's official actions resolving informal investigations will be as follows:

* * *

(3) When the utility, or other person subject to the Commission's jurisdiction, has committed to undertake action to address or remedy a violation or potential violation of the act or to resolve another perceived deficiency at the utility, in the form of a settlement with the Commission staff or other resolution of the matter, the Commission's consideration of the settlement or approval of the utility's action will occur at public meeting. Except for staff reports and other documents covered by a specific legal privilege, documents relied upon by the Commission in reaching its determination shall be made part of the public record. *Before the Commission makes a final decision to adopt the settlement or to approve the utility's action, the Commission will provide other potentially affected persons with the opportunity to submit exceptions thereon or to take other action provided for under law.*

52 Pa. Code § 3.113(b) (emphasis added). See also *Pa. PUC, Bureau of Investigation and Enforcement v. PPL Electric Utilities Corporation*, Docket No. M-2012-2264635 (Order entered September 13, 2012); *Pa. PUC, Bureau of Investigation and Enforcement v. Liberty Power Holdings, LLC*, Docket No. M-2019-2568471 (Order entered August 8, 2019).

¹² As discussed, supra, by letter dated November 12, 2021, I&E sent the November 2021 Letter notifying the Company that I&E had instituted an informal investigation of CenturyLink. Settlement at ¶¶ 20, 71.

Additionally, given that the record reflects that CenturyLink provides local exchange service and broadband service in all or parts of twenty-five counties located in central and western Pennsylvania, there is potential for impact to customers served in those territories that may have experienced service outages, unreliable service and/or issues involving general customer service. Therefore, in light of the service territory involved and the number of customers who filed complaints in this matter, we find that it is advisable to provide notice to impacted customers by publication of this proposed Settlement in the *Pennsylvania Bulletin* and to provide an opportunity for interested parties to file comments regarding the proposed Settlement.

V. Conclusion

Before issuing a decision on the merits of the proposed Settlement, consistent with the requirement of 52 Pa. Code § 3.113(b)(3), and for the reason(s) stated above, we are providing an opportunity for interested parties to file comments regarding the proposed Settlement; *Therefore,*

It Is Ordered That:

1. The Secretary's Bureau shall duly certify this Opinion and Order along with the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof, at Docket No. M-2022-3028754, and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

2. Within twenty-five (25) days of the date that this Opinion and Order and the attached Joint Petition for Approval of Settlement (including Appendices) and the Statements in Support thereof are published in the *Pennsylvania Bulletin*, interested parties may file comments concerning the proposed Settlement. Filing and service requirements are governed by the Commissions Regulations. 52 Pa. Code Chapters 1, 3, and 5. It is strongly encouraged that any comments be filed with the Commission through e filing by opening an e filing account free of charge through our website. An e filing account may be opened at our website, <https://www.puc.pa.gov/e filing/default.aspx>. Paper copies shall be filed with the Secretary's Bureau at the following address:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. A copy of this Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3028754, shall be served on the Office of Consumer Advocate and the Office of Small Business Advocate.

4. This Opinion and Order, together with the attached Joint Petition for Approval of Settlement and the Statements in Support thereof, at Docket No. M-2022-3028754, shall be issued for comments by any interested party.

5. Subsequent to the Commission's review of comments filed in this proceeding, at Docket No. M-2022-3028754, a final Opinion and Order will be issued by the Commission.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 15, 2022

ORDER ENTERED: September 15, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2022-3028754
	:	
	:	
The United Telephone Company of	:	
Pennsylvania d/b/a CenturyLink	:	

JOINT PETITION FOR APPROVAL OF SETTLEMENT

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.41, 5.232 and 3.113(b)(3), the Pennsylvania Public Utility Commission's ("Commission") Bureau of Investigation and Enforcement ("I&E") and The United Telephone Company of Pennsylvania d/b/a CenturyLink ("CenturyLink" or "Company") hereby submit this Joint Petition for Approval of Settlement ("Settlement" or "Settlement Agreement") to resolve all issues related to an informal investigation initiated by I&E. I&E's investigation was initiated based upon information provided by Senator Judy Ward, Senator John DiSanto, and Representative Perry Stambaugh who had received various email complaints relating to service outages and alleged unreliable service by CenturyLink customers.

As part of this Settlement Agreement, I&E and CenturyLink (hereinafter referred to collectively as the "Parties") respectfully request that the Commission enter a Final Opinion and Order approving the Settlement, without modification. Statements in Support of the Settlement expressing the individual views of I&E and CenturyLink are attached hereto as Appendix A and Appendix B, respectfully.

I. Introduction

1. The Parties to this Settlement Agreement are the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement, by its prosecuting attorneys, 400 North Street, Commonwealth Keystone Building, Harrisburg, PA 17120, and CenturyLink, with headquarters at 100 CenturyLink Drive, Monroe, Louisiana and with a Pennsylvania place of business at 240 North Third Street, Suite 300, Harrisburg, PA, 17101.

2. The Pennsylvania Public Utility Commission is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within this Commonwealth, as well as other entities subject to its jurisdiction, pursuant to the Public Utility Code ("Code"), 66 Pa.C.S. §§ 101, et seq.

3. I&E is the entity established to prosecute complaints against public utilities and other entities subject to the Commission's jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) (delegating authority to I&E to initiate proceedings that are prosecutorial in nature).

4. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

5. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission, inter alia, to hear and determine complaints alleging a violation of any law, regulation, or order that the Commission has jurisdiction to administer.

6. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility or on any other person or corporation subject to the Commission's authority for violations of the Code, the Commission's regulations and orders. Section 3301 allows for the imposition of a fine for each violation and each day's continuance of such violation(s).

7. CenturyLink is a Rural Incumbent Local Exchange Carrier ("RLEC") as defined by Section 3012, 66 Pa.C.S. § 3012. Petition for Amended Alternative Regulation and Network Modernization Plan of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, Docket No. P-00981410F1000 (Order entered June 23, 2005), at page 2, fn. 3 ("Rural" is defined in section 3 of the Telecommunications Act of 1996, 47 U.S.C. § 153, and includes all non-Verizon Pennsylvania ILECs."); see also Secretarial Letter dated July 12, 2005 at Docket No. P-00981410F1000, making corrections to certain pages in the aforementioned Order entered on June 23, 2005.

8. CenturyLink, as a certificated RLEC, is subject to the power and authority of the Commission pursuant to Sections 501 and 3011 of the Code, 66 Pa.C.S. §§ 501, 3011 et seq. See also 66 Pa.C.S. § 102 (Definition of Public Utility).

9. Pursuant to the provisions of applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of CenturyLink in its capacity as an RLEC serving customers in Pennsylvania.

10. This matter involves allegations related to outages, unreliable service, and general customer service complaints.

11. As a result of successful negotiations between I&E and CenturyLink, the parties have reached an agreement on an appropriate outcome to the investigation as encouraged by the Commission's policy to promote settlements. See 52 Pa. Code § 5.231. The duly authorized parties executing this Settlement Agreement agree to the settlement terms set forth herein and urge the Commission to approve the Settlement as submitted as being in the public interest.

II. Stipulated Facts

12. The Commission has jurisdiction over the subject matter of and the parties to this proceeding to the extent authorized under applicable law. 66 Pa.C.S. §§ 102, 501, 3012.

13. “It is the policy of the Commission to encourage settlements.” 52 Pa. Code § 5.231(a).

14. CenturyLink is a public utility, a RLEC, providing local exchange service in all or parts of twenty-five (25) counties located in central and western Pennsylvania. CenturyLink also provides access to broadband services in such portions of Pennsylvania, as set forth in Act 183 and CenturyLink’s revised amended alternative regulation plan. See, paragraph 7, supra.

15. On or about August 28, 2021, Hurricane Ida brought heavy rain and winds to Pennsylvania and caused excessive flooding at a CenturyLink affiliate’s switch located outside of Philadelphia, Pennsylvania. The flood caused catastrophic damage and completely destroyed equipment inside the building and impacted long-distance calling.

16. CenturyLink asserts that the flood did not impact local calling or a customer’s ability to call 911. CenturyLink made the necessary repairs so that long-distance calling was restored for all customers affected by September 10, 2021.

17. On September 17, 2021, Senator Judy Ward, Senator John DiSanto, and Representative Perry Stambaugh sent a letter to the Commission requesting an investigation be made as to the extended service outage and alleged unreliable service reported by customers of CenturyLink.

18. On September 27, 2021, the Commission responded to the September 17, 2021 letter by referring the matter to I&E. I&E subsequently received the emails of issues and/or complaints received by the legislators.

19. In or around November 2021, upon the request of I&E, the Commission’s Bureau of Consumer Services (“BCS”) provided informal consumer complaints related to internet or telephone outages, customer services issues, failure to respond to downed lines, no dial tone, and other services issues made against CenturyLink for the time period of 2019–2021. Specifically, BCS provided 3 complaints for 2019, 31 complaints for 2020, and 143 complaints for 2021 (January 2021 through November 8, 2021).¹³

20. By letter dated November 12, 2021, I&E issued an investigation letter with I&E Data Requests—Set I (“DR” or “Data Requests”) requesting responses to I&E’s twelve (12) Data Requests. In light of the referral by the legislators, I&E limited its Data Requests to CenturyLink’s customers in Perry County, Cumberland County, Franklin County, and Juniata County. CenturyLink’s responses were due on December 2, 2021.

21. On or about November 15, 2021, counsel for CenturyLink sought an extension to provide responses, citing a mixture of the upcoming holidays, the volume and specific county-based nature of the information requested and to be gathered, and the pending litigation related to CenturyLink’s acquisition by Apollo Global Management, Inc.¹⁴ I&E granted the request and agreed to the new due date of January 7, 2022.

22. On or about December 21, 2022, counsel for CenturyLink requested an additional two-week extension to respond to the Data Requests.¹⁵ The parties agreed to a new due date of January 14, 2022.

23. On January 7, 2022, CenturyLink provided responses to many of the Data Requests.

24. On January 14, 2022, CenturyLink provided revised and supplemental responses to the Data Requests.

25. On February 7, 2022, I&E provided a list of eighteen (18) email complaints received by the legislature for CenturyLink to review and provide a direct response to.

26. On March 21, 2022, I&E contacted CenturyLink to specifically address some of the complaints received by BCS and to schedule a meeting. CenturyLink provided responses to the specific BCS complaints as the information became available.

27. On April 5, 2022, CenturyLink and I&E held an in-person meeting at the Commission. The meeting was attended by Attorney Sue Benedek (virtually through Teams), Mr. Josh Motzer, Mr. Brett Biggica, Prosecutor Kayla Rost, and Deputy Chief Prosecutor Michael Swindler.

28. Shortly after the April 5, 2022 meeting, I&E and CenturyLink began settlement discussions and held a virtual meeting on June 7, 2022. This Settlement Agreement is the result of the successful discussions held between I&E and CenturyLink.

29. The results of I&E’s investigation, which included a review of the emails provided by the legislators, the informal complaints provided by BCS, and CenturyLink’s responses to the data requests, form the basis for the instant Settlement Agreement.

30. The Parties note that the number of complaints described below is not indicative of the number of customers who filed complaints. Rather, some customers alleged multiple different violations in his/her complaint. In addition, as noted in footnote 1, supra, the Parties acknowledge that the complaints provided by BCS arose from various areas in CenturyLink’s service territory and thereby should not be construed as emanating solely from Perry, Cumberland, Franklin, and Juniata Counties.

A. Failure to provide reasonably continuous service

31. Under Section 1501 of the Public Utility Code, every public utility shall provide service that is “reasonably continuous and without unreasonable interruptions or delay.” 66 Pa.C.S. § 1501; see also 66 Pa.C.S. § 102 (Definition of Public Utility).

32. Section 63.24 on the Commission’s regulations for telephone quality service standards in part states that a public utility shall endeavor to maintain its facilities in such a condition that it can provide continuous service and shall take reasonable measures to prevent interruptions and to restore service with minimum delay if interruptions occur. 52 Pa. Code § 63.24(a); see also 52 Pa. Code § 63.1.

a. BCS Complaints

33. Five (5) of the complaints received by BCS in 2020 alleged multiple incidents of service outages or unreliable telephone and/or internet service. One customer’s history included five (5) reports over a 6-month period, one

¹³ The Parties note that the complaints provided by BCS did not emanate solely from Perry County, Cumberland County, Franklin County, and Juniata County.

¹⁴ Joint Application of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding LLC; and Lumen Technologies, Inc. for All Approvals of a General Rule of Transfer of Control and Registration of Securities, Docket Nos. A-2021-3028668; A-2021-3028669 (Application filed September 22, 2021; Joint Petition filed February 10, 2022; Initial Decision entered March 29, 2022). By Final Order entered April 25, 2022, the Initial Decision became final without further Commission action.

¹⁵ The Data Requests sought detailed information based upon political boundaries. Political boundaries, such as Pennsylvania’s delineated counties, do not align with telecommunications exchanges and areas served, thus manual sorting of information was required to provide responsive answers to Data Requests.

customer's history included three (3) reports over a 10-day period, one customer's history included five (5) complaints in a month, one customer's history included five (5) complaints over a 5-month period, and one customer's history included ten (10) complaints over a period of 5 months.

34. Three (3) of the complaints received by BCS in 2021 alleged multiple incidents of service outages or unreliable telephone and/or internet service. One customer's history included four (4) reports over a 3-month period, one customer's history included four (4) reports of service issues over a 5-month period, and one customer's history included eight (8) reports of service issues over a 6-month period.

b. Complaints received by the Legislature

35. I&E identified nine (9) complaints which alleged a violation of reasonably continuous telephone and/or internet service with unreasonable interruptions or delay and seventeen (17) which alleged a violation for continuous service for internet service. The complaints reported outages lasting for anywhere from every Friday to eight days to over a month for both internet and telephone services. The complaints related to internet consistently reported multiple outages throughout the day lasting for varying times.

B. Failure to address outage or provide repair in a reasonable time.

36. Section 63.57 of the Commission's regulations governing telephone quality service standards provides that a public utility, as defined at Section 63.1 of the regulations, shall respond to and take substantial action to clear out-of-service trouble within 24 hours of the report if the action does not require unusual repair. 52 Pa. Code § 63.57(b). The Commission's regulations for telephone quality service standards further provides that utilities shall keep commitments to its customers. 52 Pa. Code § 63.57(c).

37. Section 63.24 of the Commission's regulations for telephone quality service standards states that a public utility shall take reasonable measures to prevent interruptions and to restore service with minimum delay if interruptions occur. 52 Pa. Code § 63.24(a).

38. Section 1501 in part provides:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission.

Pa.C.S. § 1501.

a. BCS Complaints

39. I&E identified twenty-two (22) complaints filed with BCS in 2021 which alleged a failure to address a telephone and/or internet service outage or an unreasonable time provided to repair/address the outage. The outages lasted anywhere from 5 days to more than a month.

b. Complaints received by the Legislature

40. I&E identified eight (8) complaints which alleged a failure to address a telephone and/or internet service

outage or unreasonable time provided to repair/address the outage. The outages lasted anywhere from 8 days to over a month.

C. Customer service

41. Section 63.57 of the Commission's regulations governing telephone quality service standards provides that utilities shall keep commitments made to its customers. 52 Pa. Code § 63.57(c).

a. BCS Complaints

42. I&E identified one (1) BCS complaint filed in 2020 which alleged customer service issues. Specifically, the complainant reported no service to CenturyLink on February 14, 2020. The customer service agent who took the call did not create a ticket, and ticket was not created for the customer until CenturyLink received the BCS complaint.

43. In reference to the BCS complaints filed in 2021, I&E identified approximately thirty-eight (38) service-related complaints in 2021. The crux of the complaints included unable to talk to a live person,¹⁶ missed appointments, ticket not being created after reporting a service issue, long hold/wait times while trying to call CenturyLink, and general complaints (such as customer service agent and supervisor hanging up on the customer). One customer explained that he requested an additional DSL line on February 27, 2021 and that CenturyLink canceled or rescheduled the order on four (4) different occasions, and that he was still waiting for the installation as of the April 2021 BCS complaint.

b. Complaints received by the Legislature

44. I&E identified five (5) complaints which alleged various customer service-related complaints, including but not limited to long hold times and difficulty reaching a customer service agent.

D. Failure to respond to downed wires/poles and/or broken poles in a reasonable time

45. Section 1501 of the Public Utility Code provides that utilities shall "maintain adequate, efficient, safe, and reasonable. . . facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such. . . facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa.C.S. § 1501; see also 66 Pa.C.S. § 102 (Definition of Public Utility).

46. Section 63.23 of the Commission's regulations for telephone quality service standards provides in relevant part that overhead facilities shall be constructed and maintained in accordance with the safe and reasonable standards of the National Electrical Safety Code, 1981 edition. 52 Pa. Code § 63.23.

47. Generally, and subject to applicability, the National Electrical Safety Code states that noncompliant facilities that can reasonably be expected to endanger life or property in the immediate future must be corrected immediately while noncompliant facilities that do not endanger life or property must be corrected in a reasonable time. N.E.S.C. Part 214A, Appendix F.

a. BCS Complaints

48. I&E identified six (6) complaints received in 2020 and twenty-one (21) complaints received in 2021 that alleged downed wires/poles. Some of the complaints re-

¹⁶ The Parties acknowledge that speaking with a live person is not a regulatory requirement.

quired immediate correction, i.e., tree on wire blocking entrance to farm or downed wire on a customer's garage and camper, while others noted downed wires/broken poles which were reported to CenturyLink but not addressed.

b. *Complaints received by the Legislature*

49. I&E identified four (4) complaints which alleged a lack of response by CenturyLink to calls or concerns of downed poles and/or wires. One reported a concern with a broke pole hanging over a mailbox and driveway of the customer while two others noted downed poles and wires which have remained in their damaged state for months. One of the complaints noted that the local fire department waits hours to receive a response from CenturyLink when reporting downed wires and/or poles.

E. *Hurricane Ida related outages*

50. As stated above, on or about August 28, 2021, Hurricane Ida brought heavy rain and winds to Pennsylvania and caused one of the CenturyLink/Lumen locations in Philadelphia to sustain extensive flooding. The flood completely destroyed the equipment inside the building and impacted long-distance calling. The customers affected by the outage retained their ability to make local calls and to call 911, and only long-distance calling was affected.

51. CenturyLink made the necessary repairs so that long-distance calling was restored for all customers affected by September 10, 2021. Thus, the long-distance calling outage lasted approximately 13 days.

52. As a result of the outage, BCS received approximately forty-two (42) complaints/reports from CenturyLink customers.

53. CenturyLink self-reported that the outage affected approximately 288,306 customers.

54. Some of the BCS complaints included notes stating that CenturyLink provided a credit to those customers who were affected by the outage.

55. CenturyLink confirmed that any required automatic credit was given to applicable customers during and after Hurricane Ida (September and October 2021). In addition, courtesy credits were provided to some customers.

III. *Alleged Violations*

56. Had this matter been fully litigated, I&E would have proffered evidence and legal arguments to demonstrate that CenturyLink committed the following violations:

a. The customer complaints allege that CenturyLink failed to provide reasonably continuous service, noting multiple incidents of service outages or unreliable service. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.24 and 66 Pa.C.S. § 1501 (multiple counts).

b. The customer complaints alleged that CenturyLink failed to address service outages or provide repair in a reasonable time. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.24, 52 Pa. Code § 63.57, and 66 Pa.C.S. § 1501 (multiple counts).

c. The customer complaints allege that CenturyLink failed to provide reasonable and adequate customer service to its customers, including a failure to meet commitments related to services issues/outages. If

proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.57 and 66 Pa.C.S. § 1501 (multiple counts).

d. The customer complaints allege that CenturyLink failed to respond to downed wires/poles and/or broke poles in a reasonable time. If proven, I&E alleges that such conduct would have violated 52 Pa. Code § 63.23, the National Electrical Safety Code, Part 214A, Appendix F, and 66 Pa.C.S. § 1501 (multiple counts).

57. In reference to the outages which resulted from Hurricane Ida, I&E did not find a violation for the outage. The circumstances surrounding the outage, including the massive amount of damage to CenturyLink facilities and the time needed to address the flooded facility, indicate that CenturyLink's actions and response, which resulted in a 13 day long-distance calling outage, was reasonable. Moreover, CenturyLink confirmed that applicable credits/refunds, as well as courtesy credits, were provided to those customers affected by the outage. The repair to the facilities was unusual and unprecedented, and thus I&E did not find a violation related to the outage occurring from August 28, 2021 to September 10, 2021.

58. Had this matter been fully litigated, CenturyLink would have denied each of the alleged violations of the Commission's regulations, the Code, or Commission's Orders, would have presented facts refuting each of the allegations, and would have raised defenses to each of these allegations at hearing.

59. Moreover, had this matter been fully litigated, CenturyLink would have vigorously disputed I&E's position that the Pennsylvania Public Utility Code (including Section 1501) and the Commission's regulations governing telephone service quality standards, including the regulations at Chapter 63, impose service quality requirements upon internet services provided by CenturyLink.

IV. *Settlement Terms*

60. Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of discussions that culminated in this Settlement. I&E and CenturyLink desire to (1) terminate I&E's informal investigation; and (2) settle this matter completely without litigation. The Parties recognize that this is a disputed matter. Given the inherent unpredictability of the outcome of a contested proceeding, the Parties further recognize the benefits of amicably resolving the disputed issues. The terms and conditions of the Settlement, for which the Parties seek Commission approval, are set forth below.

61. CenturyLink shall pay a cumulative civil penalty of Forty-Five Thousand Dollars (\$45,000.00).

62. The civil penalty shall not be tax deductible or passed-through as an additional charge to CenturyLink's customers in Pennsylvania.

63. In addition to the civil penalty, CenturyLink agrees to complete the following remedial measures:¹⁷

A. CenturyLink implemented a Quality Assurance Program ("QA Program") in January 2022 which

¹⁷ The Parties note that CenturyLink made a fiber build commitment in the Joint Petition for Settlement filed in Joint Application of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding LLC; and Lumen Technologies, Inc. for All Approvals of a General Rule of Transfer of Control and Registration of Securities, Docket Nos. A-2021-3028668; A-2021-3028669 (Joint Petition filed February 10, 2022; Initial Decision entered March 29, 2022; Final Order entered April 25, 2022). The Initial Decision approving the Joint Petition become final without further Commission action on April 25, 2022.

provides CenturyLink the ability to analyze, audit, manage, and address customer repair service calls. CenturyLink will continue to implement the QA Program and shall modify the QA Program, as needed, to follow-up and audit customer service calls to ensure that repair tickets, as applicable, are created to address customer complaints. CenturyLink agrees to continue to utilize the QA Program, and/or to utilize other measures, programs, or systems, to audit and modify processes related to customer interfacing functions (e.g., call wait times, trouble tickets, etc.). In addition, as CenturyLink continues to modify its dispatch processes (e.g., the time between ticket being created and technician visit), CenturyLink will include in the summary report submitted at Remedial Measure B(ii) below an update of total Company responsiveness to voice out-of-service trouble tickets.¹⁸

B. CenturyLink will meet with BCS by December 31, 2022 and again in 2023, as needed or requested by BCS, to review and address informal customer complaints received by BCS regarding repair tickets for Commission regulated voice services. In addition, CenturyLink will provide status reports to I&E of the following:

i. A summary of the Company's meetings with BCS provided within fifteen (15) days of the meeting; and
 ii. As to Perry, Cumberland, Franklin, and Juniata Counties, a summary of any preventative measures or additional facility buildouts, if any, undertaken by CenturyLink. Portions of the status report to I&E may be marked as confidential to the extent it contains specific information regarding customers or Company facilities.

C. During the remainder of calendar year 2022 and in year 2023, CenturyLink will meet with legislative representatives in the portions of the four counties (Perry, Cumberland, Franklin, and Juniata) served by CenturyLink to review potential CenturyLink customer issues. Finally, if applicable, CenturyLink will provide updated Company contact information to legislative representatives serving areas within CenturyLink's service territory. CenturyLink also will provide any update of progress regarding facility buildouts in applicable legislative districts.

D. CenturyLink's downed pole protocols and practices will be circulated within internal company operations and customer care groups and will continue to be incorporated into trainings of employees involved with these groups. CenturyLink also will regularly circulate, within the communities served by CenturyLink, Public Service Announcements (PSAs) providing the general public with information to report downed poles, downed wires, or other damaged CenturyLink facilities. CenturyLink will review and revise, as needed, its internal processes regarding miscellaneous trouble tickets that are associated with downed poles, downed wires, and damaged CenturyLink facilities to reasonably ensure that the trouble tickets are responded to within a reasonable time.

E. CenturyLink will complete outreach and education efforts, no longer than sixty (60) calendar days after a Commission order approving this settlement,

relative to organizations or groups which commonly report downed wires and/or poles to ensure that those organizations or groups have the latest contact information to report downed wires and/or poles. The organizations or groups include but are not limited to local fire departments, local police departments, 911 call centers, and local municipalities.

F. CenturyLink agrees that it will begin implementing the foregoing Remedial Measures upon the filing of the Joint Petition for Settlement with the Commission. The foregoing Remedial Measures will remain effective through and until December 31, 2023. This provision shall not be construed as limiting continuation of Remedial Measure beyond the effective date should CenturyLink determine.

V. *Conditions of Settlement*

64. The benefits and obligations of this Joint Petition for Approval of Settlement shall be binding upon the successors and assigns of the Parties to this Settlement.

65. This Settlement may be signed in counterparts and all signatures attached hereto will be considered as originals.

66. In order to effectuate the Parties' Joint Petition for Approval of Settlement, the undersigned parties request that the Commission issue a Secretarial Letter or Order approving the Petition without modification.

67. The Parties agree that any party may petition the Commission for rehearing or take other recourse allowed under the Commission's rules if the Commission Secretarial Letter or Order substantively modifies the terms of this Joint Petition for Approval of Settlement. In that event, any party may give notice to the other parties that it is withdrawing from this Joint Petition for Approval of Settlement. Such notice must be in writing and must be given within twenty (20) business days of the issuance of any Initial or Recommended Decision or any Commission Order or Secretarial Letter which adopts this Joint Petition for Approval of Settlement with substantive modifications of its terms. The consequence of any party withdrawing from this Joint Petition for Approval of Settlement as set forth above is that all issues associated with the requested relief presented in the proceeding will be fully litigated unless otherwise stipulated between the parties and all obligations of the parties to each other are terminated and of no force and effect. In the event that a Party withdraws from this Joint Petition for Approval of Settlement as set forth in this paragraph, I&E and CenturyLink jointly agree that nothing in this Settlement shall be construed as an admission against or as prejudice to any position which any party might adopt during litigation of this case.

68. I&E and CenturyLink jointly acknowledge that approval of this Settlement is in the public interest and is fully consistent with the Commission's Policy Statement for evaluating litigated and settled proceedings involving violations of the Code and Commission regulations, 52 Pa. Code § 69.1201. The Commission will serve the public interest by adopting this Joint Petition for Approval of Settlement.

69. The Joint Petition for Approval of Settlement avoids the time and expense of litigation in this matter before the Commission, which likely would entail preparation for and attendance at hearings and the preparation and filing of briefs, reply briefs, exceptions, reply excep-

¹⁸ The Parties note that CenturyLink also implemented a call-back feature in December 2021 to provide customers option when contacting CenturyLink for a repair. CenturyLink and I&E believe the QA Program and the callback feature will address many of the complaints and concerns raised in this investigation.

tions. The Parties further recognize that their positions and claims are disputed and, given the inherent unpredictability of the outcome of a contested proceeding, the Parties recognize the benefits of amicably resolving the disputed issues through settlement. Attached as Appendices A and B are Statements in Support submitted by I&E and CenturyLink, respectively, setting forth the bases upon which they believe the Settlement Agreement is in the public interest.

70. Since the Parties agree to the terms of the Joint Petition for Approval of Settlement, adopting it will eliminate the possibility of any appeal from the Commission Secretarial Letter or Order, thus avoiding the additional time and expense that they might incur in such an appeal.

71. This Settlement consists of the entire agreement between I&E and CenturyLink regarding the matters addressed herein. Moreover, this Settlement represents a complete settlement of I&E's investigation of CenturyLink's alleged violations of the Public Utility Code and the Commission's regulations for the time period up to and including November 12, 2021, which I&E issued its investigation letter, and fully satisfies I&E's investigation of the matters discussed herein. The Parties expressly acknowledge that this Settlement represents a compromise of positions and does not in any way constitute as a finding, an admission, or a finding of culpability on the part of CenturyLink concerning the alleged violations of the Public Utility Code, the Commission's regulations, or law.

72. The Settlement contains a summary of alleged violations of the Public Utility Code and the Commission's

regulations. See, Section III, Alleged Violations. In addition, the Settlement contains Proposed Settlement Terms. See, Section IV, Settlement Terms. This Settlement is presented without prejudice to any position that either Party may have advanced, and without prejudice to the position any party may advance, in the future on the merits of the issues in future proceedings, except to the extent necessary to effectuate the terms and conditions of this Settlement.

Wherefore, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and CenturyLink respectfully request that the Commission enter an Order approving the terms of the Joint Petition for Approval of Settlement in their entirety as being in the public interest.

In Witness Whereof, we have unto set our hands and seals on this 18th day of July 2022.

Date: 07/18/2022 Zsuzsanna E. Benedek
Associate General Counsel for CenturyLink

Date: Kayla L. Rost
Counsel for the Commission's
Bureau of Investigation and Enforcement

In Witness Whereof, we have unto set our hands and seals on this 18th day of July 2022.

Date: Zsuzsanna E. Benedek
Associate General Counsel for CenturyLink

Date: July 18, 2022 Kayla L. Rost
Counsel for the Commission's
Bureau of Investigation and Enforcement

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
Bureau of Investigation and Enforcement :
 :
v. : Docket No. M-2022-3028754
 :
The United Telephone Company of :
Pennsylvania d/b/a CenturyLink :

Proposed Ordering Paragraphs

1. That the Joint Settlement Petition filed on July 18, 2022 between the Commission's Bureau of Investigation and Enforcement and The United Telephone Company d/b/a CenturyLink ("CenturyLink") is approved in its entirety without modifications.

2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, within sixty (60) days of the date this Order becomes final, CenturyLink shall pay Forty-Five Thousand Dollars (\$45,000.00), which consists of the entirety of the civil penalty amount. Said payment shall be made by certified check or money order payable to "Commonwealth of Pennsylvania" and shall be sent to:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

3. In addition to the civil penalty, CenturyLink agrees to complete the following remedial measures:

A. CenturyLink implemented a Quality Assurance Program ("QA Program") in January 2022 which provides CenturyLink the ability to analyze, audit, manage, and address customer repair service calls. CenturyLink will continue to implement the QA Program and shall modify the QA Program, as needed, to follow-up and audit customer service calls to ensure that repair tickets, as applicable, are created to address customer complaints. CenturyLink agrees to continue to utilize the QA Program, and/or to utilize other measures, programs, or systems, to audit and modify processes related to customer interfacing functions (e.g., call wait times, trouble tickets, etc.). In addition, as CenturyLink continues to modify its dispatch processes (e.g., the time between ticket being created and technician visit), CenturyLink will include in the summary report submitted at Remedial Measure B(ii) below an update of total Company responsiveness to voice out-of-service trouble tickets.

B. CenturyLink will meet with BCS by December 31, 2022 and again in 2023, as needed or requested by BCS, to review and address informal customer complaints received by BCS regarding repair tickets for Commission regulated voice services. In addition, CenturyLink will provide status reports to I&E of the following:

i. A summary of the Company’s meetings with BCS provided within fifteen (15) days of the meeting; and

ii. As to Perry, Cumberland, Franklin, and Juniata Counties, a summary of any preventative measures or additional facility buildouts, if any, undertaken by CenturyLink. Portions of the status report to I&E may be marked as confidential to the extent it contains specific information regarding customers or Company facilities.

C. During the remainder of calendar year 2022 and in year 2023, CenturyLink will meet with legislative representatives in the portions of the four counties (Perry, Cumberland, Franklin, and Juniata) served by CenturyLink to review potential CenturyLink customer issues. Finally, if applicable, CenturyLink will provide updated Company contact information to legislative representatives serving areas within CenturyLink’s service territory. CenturyLink also will provide any update of progress regarding facility buildouts in applicable legislative districts.

D. CenturyLink’s downed pole protocols and practices will be circulated within internal company operations and customer care groups and will continue to be incorporated into trainings of employees involved with these groups. CenturyLink also will regularly circulate, within the

communities served by CenturyLink, Public Service Announcements (PSAs) providing the general public with information to report downed poles, downed wires, or other damaged CenturyLink facilities. CenturyLink will review and revise, as needed, its internal processes regarding miscellaneous trouble tickets that are associated with downed poles, downed wires, and damaged CenturyLink facilities to reasonably ensure that the trouble tickets are responded to within a reasonable time.

E. CenturyLink will complete outreach and education efforts, no longer than sixty (60) calendar days after a Commission order approving this settlement, relative to organizations or groups which commonly report downed wires and/or poles to ensure that those organizations or groups have the latest contact information to report downed wires and/or poles. The organizations or groups include but are not limited to local fire departments, local police departments, 911 call centers, and local municipalities.

F. CenturyLink agrees that it will begin implementing the foregoing Remedial Measures upon the filing of the Joint Petition for Settlement with the Commission. The foregoing Remedial Measures will remain effective through and until December 31, 2023. This provision shall not be construed as limiting continuation of Remedial Measure beyond the effective date should CenturyLink determine.

4. The above-captioned matter shall be marked closed upon receipt of the civil penalty and completion of the remedial measures outlined above.

Appendix A

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. M-2022-3028754
	:	
The United Telephone Company of	:	
Pennsylvania LLC d/b/a CenturyLink	:	

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S
STATEMENT IN SUPPORT OF THE
JOINT PETITION FOR APPROVAL OF SETTLEMENT**

TO THE HONORABLE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code §§ 5.231, 5.232, and 69.1201, the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), a signatory party to the Joint Petition for Approval of Settlement (“Settlement” or “Settlement Agreement”) filed in the matter docketed above, submits this Statement in Support of the Settlement Agreement between I&E and The United Telephone Company of Pennsylvania, LLC d/b/a CenturyLink (“CenturyLink” or “Company”).¹⁹ I&E avers that the terms and conditions of the Settlement are just and reasonable and in the public interest for the reasons set forth herein.

I. Background

On or about August 28, 2021, Hurricane Ida brought heavy rain and winds to Pennsylvania and caused excessive flooding at a CenturyLink affiliate’s switch located outside of Philadelphia, Pennsylvania. The flood caused catastrophic damage and completely destroyed equipment inside the building and impacted long-distance calling.

On September 17, 2021, Senator Judy Ward, Senator John DiSanto, and Representative Perry Stambaugh sent a letter to the Commission requesting an investigation be made in the weeks-long service outage and reports of unreliable service made by customers of CenturyLink.

On September 27, 2021, the Commission responded to the September 17, 2021 letter by referring the matter to I&E. I&E subsequently received the emails of issues and/or complaints received by the legislators.

¹⁹ I&E and CenturyLink are collectively referred to herein as the “Parties.”

In or around November 2021, upon the request of I&E, the Commission's Bureau of Consumer Services ("BCS") provided informal consumer complaints related to internet or telephone outages, customer services issues, failure to respond to downed lines, no dial tone, and other services issues made against CenturyLink for the time period of 2019—2021. Specifically, BCS provided 3 complaints for 2019, 31 complaints for 2020, and 143 complaints for 2021 (January 2021 through November 8, 2021).

By letter dated November 12, 2021, I&E issued an investigation letter with I&E Data Requests—Set I ("DR" or "Data Requests") requesting responses to I&E's twelve (12) Data Requests. In light of the referral by the legislators, I&E limited its Data Requests to CenturyLink's customers in Perry County, Cumberland County, Franklin County, and Juniata County.

As a result of CenturyLink's responses, the BCS informal complaints, and the email complaints received by the legislature, I&E identified four (4) types of potential violations. Specifically, I&E alleged that CenturyLink failed to provide reasonably continuous service, failed to address an outage or provide a repair in a reasonable time, failed to keep commitments made to customers and other customer-related complaints, and failed to respond to downed wires/poles and/or broken poles in a reasonable time. See generally 52 Pa. Code § 63.23; 52 Pa. Code § 63.24(a); 52 Pa. Code § 63.57; and 66 Pa.C.S. § 1501.

Accordingly, I&E and CenturyLink began discussing settlement to amicably resolve the instant matter. On July 18, 2022, the Parties filed a Joint Petition for Approval of Settlement resolving all issues between I&E and CenturyLink in the instant matter. This Statement in Support is submitted in conjunction with the Settlement Agreement.

II. *The Public Interest*

Pursuant to the Commission's policy of encouraging settlements that are reasonable and in the public interest, the Parties held a series of settlement discussions. These discussions culminated in this Settlement Agreement, which, once approved, will resolve all issues related to I&E informal investigation involving allegations that CenturyLink failed to provide reasonably continuous service, failed to address an outage or provide a repair in a reasonable time, failed to keep commitments made to customers and other customer-related complaints, and failed to respond to downed wires/poles and/or broken poles in a reasonable time. Notably, CenturyLink implemented a Quality Assurance Program in January 2022 which provides CenturyLink the ability to analyze, audit, manage, and address customer repair service calls, and also implemented a callback feature in December 2021 to provide customers the option to not wait on hold for a representative to become available. In addition to these programs, CenturyLink recently received Commission approval of a Joint Petition for Settlement which outlines CenturyLink's commitment to buildout fiber. See generally Joint Application of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding LLC; and Lumen Technologies, Inc. for All Approvals of a General Rule of Transfer of Control and Registration of Securities, Docket Nos. A-2021-3028668; A-2021-3028669.

I&E intended to prove the factual allegations set forth in its investigation at hearing to which CenturyLink would have disputed. This Settlement Agreement results from the compromises of the Parties. I&E recognizes that, given the inherent unpredictability of the outcome of a contested proceeding, the benefits to amicably resolving the disputed issues through settlement outweigh the risks and expenditures of litigation. I&E submits that the Settlement constitutes a reasonable compromise of the issues presented and is in the public interest. As such, I&E respectfully requests that the Commission approve the Settlement without modification.

III. *Terms of Settlement*

Under the terms of the Settlement Agreement, I&E and CenturyLink have agreed to the following:

1. CenturyLink shall pay a cumulative civil penalty of Forty-Five Thousand Dollars (\$45,000.00).

2. In addition to the civil penalty, CenturyLink agrees to complete the following remedial measures:

A. CenturyLink implemented a Quality Assurance Program ("QA Program") in January 2022 which provides CenturyLink the ability to analyze, audit, manage, and address customer repair service calls. CenturyLink will continue to implement the QA Program and shall modify the QA Program, as needed, to follow-up and audit customer service calls to ensure that repair tickets, as applicable, are created to address customer complaints. CenturyLink agrees to continue to utilize the QA Program, and/or to utilize other measures, programs, or systems, to audit and modify processes related to customer interfacing functions (e.g., call wait times, trouble tickets, etc.). In addition, as CenturyLink continues to modify its dispatch processes (e.g., the time between ticket being created and technician visit), CenturyLink will include in the summary report submitted at Remedial Measure B(ii) below an update of total Company responsiveness to voice out-of-service trouble tickets.

B. CenturyLink will meet with BCS by December 31, 2022 and again in 2023, as needed or requested by BCS, to review and address informal customer complaints received by BCS regarding repair tickets for Commission regulated voice services. In addition, CenturyLink will provide status reports to I&E of the following:

i. A summary of the Company's meetings with BCS provided within fifteen (15) days of the meeting; and

ii. As to Perry, Cumberland, Franklin, and Juniata Counties, a summary of any preventative measures or additional facility buildouts, if any, undertaken by CenturyLink. Portions of the status report to I&E may be marked as confidential to the extent it contains specific information regarding customers or Company facilities.

C. During the remainder of calendar year 2022 and in year 2023, CenturyLink will meet with legislative representatives in the portions of the four counties (Perry, Cumberland, Franklin, and Juniata) served by CenturyLink to review potential CenturyLink customer issues. Finally, if applicable, CenturyLink will provide updated Company contact information to legislative representatives serving areas within CenturyLink's service territory. CenturyLink also will provide any update of progress regarding facility buildouts in applicable legislative districts.

D. CenturyLink's downed pole protocols and practices will be circulated within internal company operations and customer care groups and will continue to be incorporated into trainings of employees involved with these groups. CenturyLink also will regularly circulate, within the communities served by CenturyLink, Public Service Announcements (PSAs) providing the general public with information to report downed poles, downed wires, or other damaged CenturyLink facilities. CenturyLink will review and revise, as needed, its internal processes regarding miscellaneous trouble tickets that are associated with downed poles, downed wires, and damaged CenturyLink facilities to reasonably ensure that the trouble tickets are responded to within a reasonable time.

E. CenturyLink will complete outreach and education efforts, no longer than sixty (60) calendar days after a Commission order approving this settlement, relative to organizations or groups which commonly report downed wires and/or poles to ensure that those organizations or groups have the latest contact information to report downed wires and/or poles. The organizations or groups include but are not limited to local fire departments, local police departments, 911 call centers, and local municipalities.

F. CenturyLink agrees that it will begin implementing the foregoing Remedial Measures upon the filing of the Joint Petition for Settlement with the Commission. The foregoing Remedial Measures will remain effective through and until December 31, 2023. This provision shall not be construed as limiting continuation of Remedial Measure beyond the effective date should CenturyLink determine.

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f). Furthermore, the civil penalty shall not be passed through as an additional charge to CenturyLink's customers in Pennsylvania.

In consideration of CenturyLink's payment of a monetary civil penalty and the remedial measures outlined above, I&E agrees that its informal investigation relating to CenturyLink's conduct as described in the Settlement Agreement referenced herein shall be terminated and marked closed upon approval by the Commission of the Settlement Agreement without modification, payment of the civil penalty, and completion of the remedial measures.

Upon Commission approval of the Settlement in its entirety without modification, I&E will not file any complaints or initiate other action against CenturyLink at the Commission with respect to the violations that were the subject of I&E's instant investigation and described in more detail in the Joint Petition for Settlement.

IV. *Legal Standard for Settlement Agreements*

Commission policy promotes settlements. See 52 Pa. Code § 5.231. Settlements lessen the time and expense that the parties must expend litigating a case and, at the same time, conserve precious administrative resources. Settlement results are often preferable to those achieved at the conclusion of a fully litigated proceeding. "The focus of inquiry for determining whether a proposed settlement should be recommended for approval is not a 'burden of proof' standard, as is utilized for contested

matters." *Pa. Pub. Util. Comm'n, et al. v. City of Lancaster—Bureau of Water*, Docket Nos. R-2010-2179103, et al. (Order entered July 14, 2011) at p. 11. Instead, the benchmark for determining the acceptability of a settlement is whether the proposed terms and conditions are in the public interest. *Pa. Pub. Util. Comm'n v. Philadelphia Gas Works*, Docket No. M00031768 (Order entered January 7, 2004).

I&E submits that approval of the Settlement Agreement in the above-captioned matter is consistent with the Commission's Policy Statement regarding Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations ("Policy Statement"), 52 Pa. Code § 69.1201; see also *Joseph A. Rosi v. Bell-Atlantic-Pennsylvania, Inc.*, Docket No. C00992409 (Order entered March 16, 2000). The Commission's Policy Statement sets forth ten (10) factors that the Commission may consider in evaluating whether a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest. 52 Pa. Code § 69.1201.

The Commission will not apply the factors as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties "will be afforded flexibility in reaching amicable resolutions to complaints and other matters as long as the settlement is in the public interest." *Id.*

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, or if the conduct was less egregious, such as an administrative or technical error. Conduct of a more serious nature may warrant a higher civil penalty while conduct that is less egregious warrants a lower amount. 52 Pa. Code § 69.1201(c)(1). I&E alleges that the conduct in this matter was not of a serious nature, such as willful fraud or misrepresentation. Consequently, the less egregious nature of the conduct was considered in arriving at the civil penalty amount in the Settlement Agreement.

The second factor considers whether the resulting consequences of CenturyLink's alleged conduct were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(2). I&E submits that no personal injury or property damage occurred as a result of the alleged violations, noting that there is no evidence that any property damage which occurred from a downed pole and/or wire was a direct result of CenturyLink's conduct. Nonetheless, the consequences of the alleged actions resulted in customers having unreliable access to telephone and internet services for extended periods of time which could impact the customer's access to education, medical or emergency services, work, and/or personal communications and interactions. I&E asserts that access to telephone and internet services is critical to everyday life and lack of access could have a serious impact, thus the consequences of CenturyLink's alleged conduct should be deemed serious.

The third factor to be considered under the Policy Statement is whether the alleged conduct was intentional

or negligent. 52 Pa. Code § 69.1201(c)(3). “This factor may only be considered in evaluating litigated cases.” *Id.* Whether CenturyLink’s alleged conduct was intentional or negligent does not apply since this matter is being resolved by settlement of the Parties.

The fourth factor to be considered is whether CenturyLink has made efforts to change its practices and procedures to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As stated above, CenturyLink implemented a new Quality Assurance Program in January 2022 and a call-back option in December 2021 to address the various customer service and repair complaints. Additionally, CenturyLink has committed to completing a fiber buildout pursuant to the Joint Petition for Settlement in Docket Nos. A-2021-3028668 and A-2021-3028669, which should address the reliable service complaints. Thus, CenturyLink made efforts to ensure that these issues do not reoccur in the future.

The fifth factor to be considered relates to the number of customers affected by the Company’s actions and the duration of the violations. 52 Pa. Code § 69.1201(c)(5). I&E identified approximately seventy-nine (79) customers who filed informal complaints with BCS and approximately twenty-seven (27) individuals who submitted email complaints to the legislature. Of the complaints which alleged service outages, the complaints alleged a duration ranging from five (5) days to over a month. These facts were considered when calculating the civil penalty.

The sixth factor to be considered relates to the compliance history of CenturyLink. 52 Pa. Code § 69.1201(c)(6). An isolated incident from an otherwise compliant company may result in a lower penalty, whereas frequent, recurrent violations by a company may result in a higher penalty. *Id.* To date, I&E is aware of one formal complaint which alleged unreliable telephone service, *Sharon Eash v. The United Telephone Company of Pennsylvania LLC, d/b/a CenturyLink*, Docket No. C-2021-3028204 (Certificate of Satisfaction filed January 31, 2022). However, I&E notes that the Parties entered into a settlement agreement in a prior informal investigation which related to CenturyLink’s alleged failure to timely install services in accordance with the Public Utility Code and the Commission’s regulations, and the alleged failure to meet Chapter 30 requirements due to technical issues in implementing a new dispatch system, *Pennsylvania Public Utility Commission, Bureau of Investigation and enforcement v. The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink*, Docket No. M-2020-3012956 (Opinion and Order entered January 14, 2021).

The seventh factor to be considered relates to whether the Company cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). I&E submits that CenturyLink fully cooperated in the investigation of this matter, including cooperating in both informal discovery as well as settlement discussions.

The eighth factor to be considered is the appropriate settlement amount necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). I&E submits that a civil penalty amount of \$45,000.00, which is not tax deductible, is substantial and sufficient to deter CenturyLink from committing future violations.

The ninth factor to be considered relates to past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). I&E submits that the instant Settlement Agreement should be viewed on its merits as there are no past Commission decisions that are directly responsive to this matter. See generally *Ken Eernisse v. Verizon Pennsylvania LLC*, C-2012-2287023 (December 5, 2013 Opinion and Order) (Commission assessed a civil penalty of \$20,050 for failure to provide reasonable and adequate service to one customer for an extended period of time, resulting in multiple violations and service outages.); *Curt Eckroth v. Verizon Pennsylvania Inc.* Docket No. C-2011-2279168 (April 18, 2013, Opinion and Order) (Commission assessed a civil penalty of \$1,000.00 for various service outages.); *Larry L. Wolfe v. Verizon North LLP*, Docket No. C-20112266224 (Order entered December 20, 2012) (Commission assessed a civil penalty of \$1,250 for various violations involving service interruptions of one customer.). However, I&E notes that the Parties agreed to a civil penalty of \$32,050.00 in the settlement filed at Docket No. M-2020-3012956.

The tenth factor considers “other relevant factors.” 52 Pa. Code § 69.1201(c)(10). I&E submits that an additional relevant factor—whether the case was settled or litigated—is of pivotal importance to this Settlement Agreement. A settlement avoids the necessity for the governmental agency to prove elements of each allegation. In return, the opposing party in a settlement agrees to a lesser penalty or other remedial action. Both parties negotiate from their initial litigation positions. The penalties and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. Reasonable settlement terms can represent economic and programmatic compromise while allowing the parties to move forward and to focus on implementing the agreed upon remedial actions.

In conclusion, I&E fully supports the terms and conditions of the Settlement Agreement. The terms of the Settlement Agreement reflect a carefully balanced compromise of the interests of the Parties in this proceeding. The Parties believe that approval of this Settlement Agreement is in the public interest. Acceptance of this Settlement Agreement avoids the necessity of further administrative and potential appellate proceedings at what would have been a substantial cost to the Parties.

Wherefore, I&E supports the Settlement Agreement as being in the public interest and respectfully requests that the Commission approve the Settlement in its entirety without modification.

Respectfully submitted,

Kayla L. Rost
Prosecutor
PA Attorney ID No. 322768

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-1888
karost@pa.gov

Dated: July 18, 2022

Appendix B
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Docket No. M-2022-3028754

The United Telephone Company of
Pennsylvania LLC, d/b/a CenturyLink

STATEMENT IN SUPPORT
THE UNITED TELEPHONE COMPANY OF PENNSYLVANIA LLC
D/B/A CENTURYLINK

The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink (“CenturyLink” or “Company”), a signatory to the Joint Petition for Approval of Settlement Agreement (Settlement”), submits this Statement in Support of the Settlement between CenturyLink and the Commission’s Bureau of Investigation and Enforcement (“I&E”). The Settlement fully resolves all issues relating to I&E’s initiated investigation of certain legislative complaints and other informal consumer complaints alleging service quality issues.

CenturyLink respectfully submits the Settlement is in the public interest and requests that the Commission approve the Settlement without modification. Commission policy promotes settlements. 52 Pa. Code § 5.231. Settlements decrease the time, expense, and risks of litigation, while at the same time, conserve administrative resources.

The proposed Settlement is reasonable. While certain allegations and applications of law and regulations remain disputed, the benefits of amicably resolving these disputed issues outweighs the time, expense, and risks of protracted litigation, including the possibility of appeals. The proposed Settlement represents an efficient compromise of the parties’ respective litigation positions.

The proposed Settlement is appropriate given the unprecedented circumstances. While certain disputed legal issues remain, the Company seeks to move forward as the nation begins to emerge from the lingering impacts of the COVID-19 pandemic and given restrictions with supply chain matters. These unprecedented national issues created myriad downstream impacts which coupled with unexpected cable cuts and greater-than-usual seasonal storm activity starting in June/July, 2021. In addition, the Company looks forward to focusing on implementing the Commission-approved settlement in a pending transaction²⁰ once the transaction closes. Given these circumstances, the Settlement is appropriate as the benefits of the Settlement far outweigh continued litigation of disputed issues.

The Settlement is consistent with the Commission’s Policy for Litigated and Settled Proceedings Involving Violations of the Code and Commission Regulations (“Policy Statement”). 52 Pa. Code § 69.1201. The policy

²⁰ Joint Application of The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; CenturyTel Broadband Services, LLC; Connect Holding LLC; and Lumen Technologies, Inc. for All Approvals of a General Rule of Transfer of Control and Registration of Securities, Docket Nos. A-2021-3028668; A-2021-3028669 (Application filed September 22, 2021; Joint Petition filed February 10, 2022; Initial Decision entered March 29, 2022). By Final Order entered April 25, 2022, the Initial Decision became final without further Commission action.

Statement sets forth ten factors that the Commission may consider in evaluating settlements a civil penalty for violating a Commission order, regulation, or statute is appropriate, as well as whether a proposed settlement for a violation is reasonable and in the public interest.²¹

The Commission will not apply its standards as strictly in settled cases as in litigated cases. 52 Pa. Code § 69.1201(b). While many of the same factors may still be considered, in settled cases, the parties “will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

The first factor considers whether the conduct at issue was of a serious nature, such as willful fraud or misrepresentation, which may warrant a higher penalty. 52 Pa. Code § 69.1201(c)(1). The conduct at issue in this matter did not involve willful or egregious conduct fraud or misrepresentation. While some of the complaints involved unexpected delays in responding to customer service issues, CenturyLink believes that its conduct was not of a serious nature when considering the unprecedented context and the efforts undertaken by the Company.

The majority of BCS complaints and the legislative complaints started in June/July 2021, which is when seasonal storm activity starts to occur in Pennsylvania, and peaked during the aftermath of Hurricane Ida, arriving on September 1, 2021. In addition, fiber cuts impacting CenturyLink unexpectedly occurred in January, late June, and September 2021. The penalty amount agreed upon in the Settlement does not include complaints directly associated with the unexpected and significant flooding of a CenturyLink facility; however, the impact of Hurricane Ida coupled with the challenges of managing resources amidst COVID-19 and supply chain issues indirectly created unanticipated delays with the Company’s recovery efforts. Notwithstanding these challenges, CenturyLink did not fall below the Commission’s service quality metrics applicable to telephone service. CenturyLink also provided applicable credits to customers

²¹ The Policy Statement’s ten factors are: (i) Whether the conduct at issue was of a serious nature; (ii) Whether the resulting consequences of the conduct at issue were of a serious nature; (iii) Whether the conduct at issue was deemed intentional or negligent; (iv) Whether the regulated entity made efforts to modify internal policies and procedures to address the conduct at issue and prevent similar conduct in the future; (v) The number of customers affected and the duration of the violation; (vi) The compliance history of the regulated entity that committed the violation; (vii) Whether the regulated entity cooperated with the Commission’s investigation; (viii) The amount of the civil penalty or fine necessary to deter future violations; (ix) Past Commission decisions in similar situations; and (x) Other relevant factors. 52 Pa. Code § 69.1201(c) (1)–(10).

(as well as courtesy credits) and, by early December 2021, voluntarily implemented a call-back feature to enhance customer experience.

As to the complaints alleging slow internet speeds and internet service outages, CenturyLink maintains that the Commission's regulations governing telephone service quality do not apply to internet services. Relative to the period November 2019 through November 2021, CenturyLink has not identified any complaints from retail customers claiming internet speeds lower than 1.544 Mbps downstream or 128 Kbps upstream. CenturyLink has complied with its Chapter 30 requirements. Absent Chapter 30 requirements, the Commission does not have authority to regulate the quality of internet services provided by CenturyLink—or, as provided by any of the numerous competitors providing internet services in CenturyLink's service territory as noted in responses to I&E data requests.²² When focusing solely on complaints of alleged telephone service issues, CenturyLink in a litigated proceeding would have presented facts to demonstrate that its actions were reasonable under the unprecipitated circumstances.

The second factor is whether the resulting consequences of the conduct in question were of a serious nature. 52 Pa. Code § 69.1201(c)(2). The policy Statement provides that when consequences of a serious nature are involved, such as personal injury or property damage, it may warrant a high penalty. *Id.* To the best of CenturyLink's knowledge, no damage to property or customers occurred. CenturyLink's intent and conduct aimed to comply with the applicable Commission regulations.

The third factor considers whether the conduct at issue was deemed intentional or negligent. This factor is only to be considered when evaluating litigated cases. 52 Pa. Code § 69.1201(c)(3). This factor does not apply to the present case as it is a settled matter. Moreover, there is no allegation of intentional conduct.

The fourth factor in the Commission's Policy Statement regards the regulated entity's efforts to modify internal policies and procedures to address the alleged conduct at issue and to prevent similar conduct in the future. 52 Pa. Code § 69.1201(c)(4). As noted above, CenturyLink voluntarily implemented a customer call-back feature in early December 2021 and has agreed to implement several Remedial Measures in the proposed Settlement, including implementing additional internal and external measures for downed poles and legislative-related complaints so that customer issues are properly ticketed. For example, the use of public service announcements in the proposed Settlement should facilitate recovery efforts for downed or damaged poles, cable, or other facilities due to significant weather events.

The fifth factor considers the number of customers affected and the duration of the violation. 52 Pa. Code § 69.1201(c)(5). CenturyLink supports the Settlement and submits that the number of impacted customers and the

duration of the alleged violations were limited. In addition, CenturyLink submits the Settlement does not include countervailing facts and mitigation efforts which would have been addressed in litigation and thus which may have reduced the total working days.

The sixth factor considers the compliance history of the Company. 52 Pa. Code § 69.1201(c)(6). The policy Statement further provides: "An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a high penalty. *Id.* CenturyLink submits that its compliance history overall has been very good.

The seventh factor to be considered is whether the regulated entity cooperated with I&E's investigation. 52 Pa. Code § 69.1201(c)(7). CenturyLink fully cooperated with I&E throughout the investigation and the process leading to the proposed Settlement.

The eighth factor considers whether the amount of the civil penalty or fine is necessary to deter future violations. 52 Pa. Code § 69.1201(c)(8). CenturyLink respectfully submits that it fully intends to comply with applicable regulations and plans to begin implementing the Remedial Measures upon filing of the Petition for Settlement. The cumulative penalty agreed to in the proposed Settlement is reasonable given the circumstances. 66 Pa.C.S. § 1501.

The ninth factor examines past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(9). While there have been litigated Commission cases involving individual complainants and telecommunications companies, CenturyLink is unaware of any recent cases or matters addressed by the Commission with facts substantially similar to the allegations in this investigation. CenturyLink respectfully submits that the terms of the proposed Settlement represent a reasonable outcome for the circumstances in this matter.

Finally, the tenth factor involves consideration of any other relevant factors. 52 Pa. Code § 69.1201(c)(10). There are no additional factors of relevance beyond what is addressed herein and in the Petition for Settlement.

CenturyLink respectfully submits that the proposed Settlement applies the Policy Statement's factors and complies with the standards set forth in the Policy Statement. The Settlement efficiently brings I&E's investigation to a reasonable and prompt conclusion and is in the public interest.

Wherefore, CenturyLink fully supports the proposed Settlement and respectfully requests that the Commission adopt an order approving the Settlement in its entirety. For the reasons set forth above, the Settlement is a reasonable outcome in this matter and reflects a carefully balanced compromise of competing interests.

Respectfully submitted,
 Zsuzsanna E. Benedek, Esquire
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 240 North Third Street, Suite 300
 Harrisburg, PA 17101
 Phone: (717) 775-3088
 Email: sue.benedek@Lumen.com
 Counsel for The United Telephone Company
 of Pennsylvania d/b/a CenturyLink

Dated: July 18, 2022

²² Moreover, broadband speeds can vary by many overlapping factors, including factors that are outside CenturyLink's network, such as Wi-Fi connectivity and coverage, number of connected devices, and quality of inside wire. Moreover, broadband speeds also can vary by other factors such as customer proximity to the serving devices, number of customers per serving device, and customer choice. As a result, there could be various, often overlapping, reasons for claimed slow internet speeds—all of which are completely unrelated to CenturyLink or its offering of internet services. A response to the question would unduly be burdensome, duplicative of FCC's jurisdictional efforts, and could result in misleading, unfounded conclusions.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :
 Bureau of Investigation and Enforcement :
 :
 v. : Docket No. M-2022-3028754
 :
 The United Telephone Company of :
 Pennsylvania LLC d/b/a CenturyLink :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Petition for Approval of Settlement and Statements in Support dated July 18, 2022, upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail:

Zsuzsanna E. Benedek
 Associate General Counsel
 240 North Third Street, Suite 300
 Harrisburg, PA 17101
 Sue.benedek@lumen.com

Kayla L. Rost
 Prosecutor
 Bureau of Investigation & Enforcement
 PA Attorney ID No. 322768
 (717) 787-1888
 karost@pa.gov

[Pa.B. Doc. No. 22-1533. Filed for public inspection September 30, 2022, 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 (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 17, 2022. Filings are recommended to be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by October 17, 2022. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. 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. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2022-3032790. Unique Cab, LLC (1910 Fruitville Pike, Lancaster, Lancaster County, PA 17602) for the right to begin to transport, as a common carrier, by motor vehicle, persons in wheelchairs or by means of a stretcher in nonemergency medical paratransit service, between points in the Counties of Berks, Dauphin, Lancaster, Lebanon and York.

A-2022-3035070. Sip and Play Tours, LLC, t/a S & P Transportation (725 Pearl Street, Easton, Northampton County, PA 18042) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Monroe and Northampton to points in Pennsylvania, and return.

A-2022-3035109. Big Joy Transportation, Inc. (211 North 13th Street, 1st Floor, Philadelphia, Philadelphia County, PA 19107) to transport persons, by motor vehicle, in paratransit service, between points within the City and County of Philadelphia. *Attorney:* Betty Mon, 825 Longwood Avenue, Cherry Hill, NJ 08002.

A-2022-3035111. Thomas Cruse (1611 Newark Road, Kennett Square, Chester County PA 19348) to transport by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicle, from points in Adams, Chester, Lancaster and York Counties, to points in Pennsylvania, and return.

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-2022-3034234. TMT PA, LLC, t/a Two Men and a Truck (4512 South 68th Street, Omaha, Douglas County, NE 68117) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

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-2022-3035341. Weleski Transfer of Johnstown, Inc. (140 West Fourth Avenue, Tarentum, Allegheny County, PA 15084) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, at A-00114027, household goods in use, between points in the City of Johnstown, Cambria County, and within 25 miles by the usually traveled highways of the said city, and from points in the said area to other points in Pennsylvania, and vice versa; subject to the following condition: that no right, power or privilege is granted to transport household goods in use between points in any municipality more than 5 miles distant by the usually traveled highways of the City of Johnstown, Cambria County.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1534. Filed for public inspection September 30, 2022, 9:00 a.m.]

must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicants: NextEra Water Pennsylvania, LLC, # 1021 2180 MacArthur Road, Unit 7, Whitehall, PA 18052; Manwalamink Sewer Company, 1 Fort Depuy Lane, P.O. Box 48, Shawnee-On-Delaware, PA 18356, Attention: Robert Shebelsky, Chairperson and CEO; Manwalamink Water Company, 1 Fort Depuy Lane, P.O. Box 48, Shawnee-On-Delaware, PA 18356, Attention: Robert Shebelsky, Chairperson and CEO

Through and By Counsel for: Daniel Clearfield, Carl R. Shultz, Bryce R. Beard, Eckert Seamans Cherin & Mellot, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101, (717) 237-7173, dclearfield@eckertseamans.com, cshultz@eckertseamans.com, bbeard@eckertseamans.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1535. Filed for public inspection September 30, 2022, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer of Control

A-2022-3035298, A-2022-3035299, A-2022-3035490 and A-2022-3035492. Manwalamink Water Company, Manwalamink Sewer Company and NextEra Water Pennsylvania, LLC. In the matter of the joint application of Manwalamink Water Company, Manwalamink Sewer Company and NextEra Water Pennsylvania, LLC for the necessary authority, approvals and certificates of public convenience: (1) approval for transfer of the outstanding capital stock of Manwalamink Water Company resulting in a change of control; (2) approval for transfer of the outstanding capital stock of Manwalamink Sewer Company resulting in a change of control; (3) approval of the purchase by NextEra Water Pennsylvania, LLC of certain real estate and facilities in Smithfield Township, Monroe County used or useful in the public service; (4) approval of intercompany reorganization of Manwalamink Water Company and Manwalamink Sewer Company into NextEra Water Pennsylvania, LLC; and (5) approval of an affiliate letter of financial assurance necessary in advance of the contemplated transactions.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 17, 2022. 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 only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Transfer by Sale

A-2022-3035316 and U-2022-3035318. PECO Energy Company. Application of PECO Energy Company for approval of transfer by sale to the Township of Easttown of street lighting facilities located in Chester County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 17, 2022. 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 only online for inspection and copying on the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov and at the applicant's business address. Parties to proceedings pending before the Commission must open and use an eFiling account through the Commission's web site at www.puc.pa.gov or individuals may submit the filing by overnight delivery to the Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery. Large filings containing confidential or proprietary material may be submitted through the Commission's Share Point File system with advanced notice to the Commission prior to submittal.

Applicant: PECO Energy Company, 2301 Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699

Through and By Counsel for: Caroline S. Choi, Assistant General Counsel, PECO Energy Company, 2301

Market Street, S23-1, P.O. Box 8699, Philadelphia, PA 19101-8699, (770) 910-3006, Caroline.Choi@exeloncorp.com

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 22-1536. Filed for public inspection September 30, 2022, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Applications in the City of Philadelphia

The following permanent authority applications to render service as common carriers in the City of Philadelphia have been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than October 17, 2022. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The applications are available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business addresses of the respective applicants or attorneys, or both.

Doc. No. A-22-09-02. RSR Trans, LLC (2302 South 23rd Street, Philadelphia, PA 19145): An application for a limousine certificate of public convenience (CPC) to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

Doc. No. A-22-09-03. Adams Car Service, LLC (1233 Suzann Drive, Warrington, PA 18976): An application for a limousine CPC to transport persons and their baggage in luxury limousine service on an exclusive basis, arranged for in advance, between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return. *Attorney for Applicant:* Charles Milstein, Esq., 7102 Frankford Avenue, Philadelphia, PA 19135.

DENNIS WELDON,
Temporary Executive Director

[Pa.B. Doc. No. 22-1537. Filed for public inspection September 30, 2022, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September Meeting

As part of its regular business meeting held on September 15, 2022, in Baltimore, MD, the Susquehanna River

Basin Commission (Commission) approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information as follows.

The business meeting was held on September 15, 2022.

For further information contact Jason E. Oyler, General Counsel and Secretary, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. Also see the Commission web site at www.srbc.net.

Supplementary Information

In addition to the actions taken on projects identified in the previous summary these actions were also taken: (1) adoption of a revised Civil Penalty Matrix and a revised Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions; (2) adoption of the Commission's Fiscal Year 2024 (FY 2024) Budget; (3) adoption of member jurisdictions allocation for FY 2024; and (4) approval of contracts, grants and agreements.

Project Applications Approved:

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Monroe Manor System, Monroe Township, Snyder County, PA. Application for groundwater withdrawal of up to 0.482 mgd (30-day average) from Well 8.

2. Project Sponsor: Brunner Island, LLC. Project Facility: Brunner Island Steam Electric Station (Susquehanna River), East Manchester Township, York County, PA. Applications for renewal of surface water withdrawal of up to 835.000 mgd (peak day) and consumptive use of up to 23.100 mgd (peak day) (Docket No. 20070908).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170902).

4. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20170903).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Towanda Creek), Leroy Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20170905).

6. Project Sponsor and Facility: Coterra Energy, Inc. (Meshoppen Creek), Springville Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20170901).

7. Project Sponsor and Facility: Edgewood by Sand Springs, LLC, Butler Township, Luzerne County, PA. Modification to extend the approval term of the surface water withdrawal and consumptive use approval (Docket No. 19980102) by 2 years to allow the project to complete planning and permitting to redevelop the property and cease golf course operations.

8. Project Sponsor: Lancaster County Solid Waste Management Authority. Project Facility: Frey Farm and Creswell Landfills, Manor Township, Lancaster County, PA. Modification to increase consumptive use (peak day) by an additional 0.030 mgd, for a total consumptive use of up to 0.095 mgd, addition of approved sources of water for

consumptive use, and General Permit GP-01 Notice of Intent for groundwater remediation (Docket No. 20061208).

9. Project Sponsor: Maplemoor, Inc. Project Facility: Huntsville Golf Club, Lehman Township, Luzerne County, PA. Application for renewal of consumptive use of up to 0.499 mgd (30-day average) (Docket No. 19920909).

10. Project Sponsor and Facility: Pennsylvania Grain Processing, LLC (West Branch Susquehanna River), Clearfield Borough, Clearfield County, PA. Applications for renewal of surface water withdrawal of up to 2.505 mgd (peak day) and for consumptive use of up to 2.000 mgd (peak day) (Docket No. 20070904).

11. Project Sponsor and Facility: Seneca Resources Company, LLC (Elk Run), Sullivan Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.646 mgd (peak day) (Docket No. 20170909).

12. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, PA. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

13. Project Sponsor and Facility: South Middleton Township Municipal Authority, Monroe Township, Cumberland County, PA. Application for renewal of groundwater withdrawal with increase from 0.624 mgd to up to 0.936 mgd (30-day average) from Well 3 (Docket No. 19880404).

14. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Application for renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20170908).

15. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township,

Bradford County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20170910).

16. Project Sponsor and Facility: Town of Conklin, Broome County, NY. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.350 mgd from Well 5 and up to 0.350 mgd from Well 6 (Docket Nos. 20070601 and 20031001, respectively).

17. Project Sponsor: Town of Oneonta. Project Facility: Southside Water System, Town of Oneonta, Otsego County, NY. Applications for groundwater withdrawals (30-day averages) of up to 0.720 mgd from Well PW-1 and up to 0.720 mgd from Well PW-2.

18. Project Sponsor and Facility: Village of Horseheads, Town of Horseheads, Chemung County, NY. Application for renewal of groundwater withdrawal of up to 1.440 mgd (30-day average) from Well 5 (Docket No. 19870302).

Projects Tabled:

19. Project Sponsor and Facility: Dover Township, York County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.360 mgd from Well 8 and up to 0.088 mgd from Well 10 (Docket No. 19911104).

20. Project Sponsor: Pine Grove Borough. Project Facility: Pine Grove Borough Water System, Tremont Township, Schuylkill County, PA. Applications for groundwater withdrawals (30-day averages) of up to 0.499 mgd from Well 16 and up to 0.097 mgd from Well 17.

Authority: Pub.L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: September 19, 2022

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 22-1538. Filed for public inspection September 30, 2022, 9:00 a.m.]

